

**PUBLIC NOTICE OF PREPARATION AND**  
**PUBLIC SCOPING MEETING**

**PLEASE TAKE NOTICE:**

As the lead agency, the Planning Division of the City of Carlsbad, located in San Diego County, intends to prepare an Environmental Impact Report and hold a public scoping meeting for the following project:

**Project Number and Title:** EIR 11-02 – Quarry Creek Master Plan EIR

**Project Applicant:** Quarry Creek Investors, LLC

**Scoping Meeting:** A public scoping meeting will be held for this project on Thursday March 1, 2012, at 6:00 p.m. at the Calavera Hills Community Park, 2997 Glasgow Drive, Carlsbad, CA 92010. A presentation will be made at the scoping meeting that will include a description of the project and the purpose of the scoping meeting.

**Project Address/Location:** The project site is located within the northeast quadrant of the City of Carlsbad, northerly of the Calavera Hills Master Plan community, southerly of State Road 78, easterly of the California Dept. Fish and Game Buena Vista Creek Ecological Preserve and westerly of the Nissan auto dealership and Quarry Creek shopping center in Oceanside. The project site consists of two parcels. The easterly 100 acre parcel is bisected by the Buena Vista Creek and was formerly a rock quarry. The property is presently undergoing reclamation pursuant to the South Coast Quarry Reclamation Plan and EIR (SCH 2005111124) prepared by the City of Oceanside. The westerly of the two parcels is 56 acres in size located on the southerly side (non-adjacent) of Buena Vista Creek and is mostly undisturbed.

**Project Description:** The Quarry Creek Master Plan project consists of a 656 unit residential development on a 156 acre site which is divided by the Buena Vista creek valley. High density residential (306 units at 20 units per acre minimum density) is proposed on the northerly side of Buena Vista creek and residential medium to medium high density (200 units at 12 units per acre minimum) is proposed on the southerly side of the creek. No development of units is proposed at this time. A proposed vehicle bridge across the Buena Vista creek will interconnect the two sides. A vesting tentative map is proposed to create development and open space lots. A .6 acre nature/education center, a 2.1 acre community facilities site (daycare), a .9 acre park and ride site, and 87.7 acres of open space are also proposed. The remaining natural open space post development will be subject to Habitat Management Plan requirements for preservation and management. The Community Facility site is located on the south side of the future extension of Marron Road and along the easterly border of the project site. The park and ride is located on the northerly side of the project and north of Haymar Road. The nature/education center is located at the westerly end of the project, on the south side of the creek. Access will be provided to an adjacent 4 acre site in Oceanside that has no other means of access. The EIR will address

the impacts of future development of the Oceanside parcel. The project proposes to eliminate Marron Road from the Circulation Element such that Marron Road would not be completed within the Buena Vista Creek Ecological Preserve between El Camino Real and College Blvd. The project also includes off-site infrastructure improvements in the form of water, sewer, and reclaimed water lines to serve the project.

**Potential Environmental Impacts to be considered:**

Aesthetics	Biological Resources	Geology and Soils	Land Use and Planning	Population / Housing	Transportation/ Traffic
Agriculture Resources	Cultural Resources	Hazards and Hazardous Materials	Mineral Resources	Public Services	Utilities and Service Systems; Wastewater
Air Quality	Energy, Greenhouse Gases, and Climate Change	Hydrology and Water Quality	Noise	Recreation	

In order to prepare these sections and analyze the impacts, several studies will be prepared including a Water Supply Assessment (WSA) and a Transportation Impact Analysis (TIA).

We need to know your ideas about the effect this project might have on the environment and your suggestions for ways the project could be revised to reduce or avoid any significant environmental damage. Your ideas will help us decide what issues to analyze in the environmental review of this project. An initial study was **not** prepared for the project.

Due to the time limits mandated by State Law, your response must be sent at the earliest possible date but not later than 30 days after the date of publication of this notice. Your comments may be submitted in writing to the City of Carlsbad Planning Division (Attn: Van Lynch, Senior Planner), 1635 Faraday Avenue, Carlsbad, California 92008 or [van.lynch@carlsbadca.gov](mailto:van.lynch@carlsbadca.gov), no later than **March 16, 2012**, 30 days from publish date (February 15, 2012).

*Don Neu*

*February 9, 2012*

**DON NEU**  
City Planner

Date



EDMUND G. BROWN JR.  
GOVERNOR

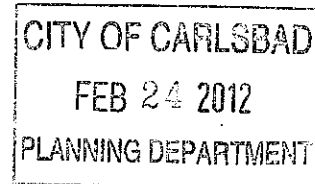
STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH



KEN ALEX  
DIRECTOR

Notice of Preparation

February 17, 2012



To: Reviewing Agencies

Re: EIR 11-02 - Quarry Creek Master Plan EIR  
SCH# 2012021039

Attached for your review and comment is the Notice of Preparation (NOP) for the EIR 11-02 - Quarry Creek Master Plan EIR draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Van Lynch  
City of Carlsbad  
Planning Department  
1635 Faraday Avenue  
Carlsbad, CA 92008

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Attachments  
cc: Lead Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2012021039  
**Project Title** EIR 11-02 - Quarry Creek Master Plan EIR  
**Lead Agency** Carlsbad, City of

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**Type** NOP Notice of Preparation  
**Description** The Quarry Creek Master Plan project consists of a 656 unit residential development on a 156 acre site which is divided by the Buena Vista creek valley. High density residential (306 units at 20 units per acre minimum density) is proposed on the northerly side of Buena Vista creek and residential medium to medium high density (200 units at 12 units per acre minimum) is proposed on the southerly side of the creek.

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**Lead Agency Contact**

**Name** Van Lynch  
**Agency** City of Carlsbad  
**Phone** (760) 602-4600 **Fax** 760 602-8559  
**email** van.lynch@carlsbadca.gov  
**Address** Planning Department  
1635 Faraday Avenue  
**City** Carlsbad **State** CA **Zip** 92008

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**Project Location**

**County** San Diego  
**City** Carlsbad  
**Region**  
**Cross Streets**  
**Lat / Long**  
**Parcel No.**  
**Township**

**Range**

**Section**

**Base**

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**Proximity to:**

**Highways**  
**Airports**  
**Railways**  
**Waterways**  
**Schools**  
**Land Use**

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**Project Issues** Aesthetic/Visual; Geologic/Seismic; Landuse; Population/Housing Balance; Traffic/Circulation; Agricultural Land; Air Quality; Archaeologic-Historic; Other Issues; Toxic/Hazardous; Minerals; Public Services; Water Quality; Noise; Recreation/Parks

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**Reviewing Agencies** Resources Agency; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 5; Native American Heritage Commission; California Highway Patrol; Department of Housing and Community Development; Caltrans, District 11; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 9

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**Date Received** 02/16/2012 **Start of Review** 02/17/2012 **End of Review** 03/19/2012

Resources Agency

☒ Resources Agency  
Nadell Gayou

☐ Dept. of Boating & Waterways  
Nicole Wong

☐ California Coastal Commission  
Elizabeth A. Fuchs

☐ Colorado River Board  
Gerald R. Zimmerman

☐ Dept. of Conservation  
Elizabeth Carpenter

☐ California Energy Commission  
Eric Knight

☐ Cal Fire  
Allen Robertson

☐ Central Valley Flood Protection Board  
James Herola

☐ Office of Historic Preservation  
Ron Parsons

☒ Dept of Parks & Recreation  
Environmental Stewardship Section

☐ California Department of Resources, Recycling & Recovery  
Sue O'Leary

☐ S.F. Bay Conservation & Dev't. Comm.  
Steve McAdam

☒ Dept. of Water Resources  
Agency  
Nadell Gayou

Fish and Game

☐ Depart. of Fish & Game  
Scott Flint

☐ Environmental Services Division  
Donald Koch

☐ Fish & Game Region 1E  
Laurie Harnsberger

☐ Fish & Game Region 2  
Jeff Drongesen

☐ Fish & Game Region 3  
Charles Armor

☐ Fish & Game Region 4  
Julie Vance

☒ Fish & Game Region 5  
Leslie Newton-Reed

☐ Fish & Game Region 6  
Gabrina Gatchel

☐ Fish & Game Region 6 I/M  
Brad Henderson

☐ Dept. of Fish & Game M  
George Isaac

☐ Marine Region

Other Departments

☐ Food & Agriculture  
Sandra Schubert

☐ Dept. of Food and Agriculture  
Public School Construction

☐ Dept. of General Services  
Anna Garbelf

☐ Dept. of Public Health  
Bridgette Binning

☐ Dept. of Health/Drinking Water

☐ Delta Stewardship Council  
Kevan Samsam

Independent Commissions, Boards

☐ Delta Protection Commission  
Linda Flack

☐ Cal EMA (Emergency Management Agency)  
Dennis Castrillo

☒ Native American Heritage Comm.  
Debbie Treadway

☐ Public Utilities Commission  
Leo Wong

☐ Santa Monica Bay Restoration  
Guangyu Wang

☐ State Lands Commission  
Jennifer Deleong

☐ Tahoe Regional Planning Agency (TRPA)  
Cherry Jacques

Business, Trans & Housing

☐ Caltrans - Division of Aeronautics  
Philip Crimmins

☐ Caltrans - Planning  
Terri Pencovic

☒ California Highway Patrol  
Suzann Ikeuchi

☒ Housing & Community Development  
CEQA Coordinator

☐ Housing Policy Division

Dept. of Transportation

☐ Caltrans, District 1  
Rex Jackman

☐ Caltrans, District 2  
Marcelino Gonzalez

☐ Caltrans, District 3  
Bruce de Terra

☐ Caltrans, District 4  
Lisa Carboni

☐ Caltrans, District 5  
David Murray

☐ Caltrans, District 6  
Michael Navarro

☐ Caltrans, District 7  
Dianna Watson

☐ Caltrans, District 8  
Dan Kopulsky

☐ Caltrans, District 9  
Gayle Rosander

☐ Caltrans, District 10  
Tom Dumas

☒ Caltrans, District 11  
Jacob Armstrong

☐ Caltrans, District 12  
Marlon Regisford

Cal EPA

Air Resources Board

☐ Airport/Energy Projects  
Jim Lerner

☐ Transportation Projects  
Douglas Ito

☐ Industrial Projects  
Mike Tollstrup

☐ State Water Resources Control Board  
Regional Programs Unit

☐ Division of Financial Assistance

☐ State Water Resources Control Board  
Student Intern, 401 Water Quality Certification Unit

☐ Division of Water Quality

☐ State Water Resources Control Board  
Phil Grader

☐ Division of Water Rights

☒ Dept. of Toxic Substances Control  
CEQA Tracking Center

☐ Department of Pesticide Regulation  
CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

☐ RWQCB 1  
Cathleen Hudson  
North Coast Region (1)

☐ RWQCB 2  
Environmental Document Coordinator  
San Francisco Bay Region (2)

☐ RWQCB 3  
Central Coast Region (3)

☐ RWQCB 4  
Teresa Rodgers  
Los Angeles Region (4)

☐ RWQCB 5S  
Central Valley Region (5)

☐ RWQCB 5F  
Central Valley Region (5)  
Fresno Branch Office

☐ RWQCB 5R  
Central Valley Region (5)  
Redding Branch Office

☐ RWQCB 6  
Lahontan Region (6)

☐ RWQCB 6V  
Lahontan Region (6)  
Victorville Branch Office

☐ RWQCB 7  
Colorado River Basin Region (7)

☐ RWQCB 8  
Santa Ana Region (8)

☒ RWQCB 9  
San Diego Region (9)

☐ Other

☐ Conservancy



U. S. Fish and Wildlife Service  
Carlsbad Fish and Wildlife Office  
6010 Hidden Valley Road, Suite 101  
Carlsbad, California 92011  
760-431-9440  
FAX 760-431-9618



California Department of Fish and Game  
South Coast Region  
3883 Ruffin Road  
San Diego, California 92123  
858-467-4201  
FAX 858-467-4299

In Reply Refer To:  
FWS/CDFG-10B0707-12TA0202

**MAR 22 2012**

Mr. Van Lynch, Senior Planner  
City of Carlsbad Planning Division  
1635 Faraday Avenue  
Carlsbad California 92008

Subject: Comments on the Notice of Preparation of an Environmental Impact Report for the  
Quarry Creek Master Plan, City of Carlsbad (SCH# 2012021039)

Dear Mr. Lynch:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Game (Department), hereafter collectively referred to as the Wildlife Agencies, have reviewed the above-referenced Notice of Preparation (NOP) dated February 15, 2012. The project details provided herein are based on the information provided in the NOP and associated documents.

The City of Carlsbad (City) has an approved Multiple Habitat Conservation Program (MHCP) Habitat Management Plan (HMP) and Implementing Agreement under the Natural Community Conservation Planning program. The draft Environmental Impact Report (DEIR) for the proposed project must ensure and verify that all requirements and conditions of the HMP and Implementing Agreement are met. The DEIR should also address biological issues that are not addressed in the HMP and Implementing Agreement, such as specific impacts to and mitigation requirements for wetlands or sensitive species and habitats that are not covered by the HMP and Implementing Agreement. Issue areas in the DEIR that may be influenced by the HMP and Implementing Agreement include "Land Use," "Landform Alteration/Visual Quality," "Traffic/Circulation," "Biological Resources," "Drainage/Urban Runoff/Water Quality," "Noise," and "Cumulative Effects." In addition, the DEIR should describe why the proposed project, irrespective of other alternatives to the project, is consistent with, and appropriate in the context of, the HMP.

The project site is located within the northeast quadrant of the City in the Calavera Hills Master Plan community, south of State Route 78, east of the Department's Buena Vista Creek Ecological Preserve and west of the Quarry Creek shopping center in the City of Oceanside. The Quarry Creek Master Plan project consists of a 656-unit residential development on a 156-acre (ac) site which is divided by Buena Vista Creek. High density (306 units at a minimum of 20 units per ac) and medium to medium high density (200 units at a minimum of 12 units per ac) residential development is proposed, respectively, north and south of Buena Vista Creek. A proposed vehicle bridge across the Buena Vista Creek would connect the two sides. A 0.6-ac

nature/education center, a 2.1-ac community facilities site (day care), a 0.9-ac park and ride site, and 87.7 ac of open space are also proposed. Access would be provided to an adjacent 4-ac site in the City of Oceanside that has no other means of access, and the DEIR will address the impacts of future development of this Oceanside parcel. The project proposes to eliminate Marron Road from the Circulation Element such that Marron Road would not be completed within the Buena Vista Creek Ecological Preserve between El Camino Real and College Boulevard. The project also includes off-site infrastructure improvements in the form of water, sewer, and reclaimed water lines to serve the project.

The Wildlife Agencies have several concerns regarding the potential effects of this project on sensitive biological resources, and its compliance with the requirements and standards of the City's HMP. Our comments and recommendations address our concerns and are intended to assist the City in its analysis of consistency with the HMP, and of the project-related biological direct and indirect impacts for the DEIR.

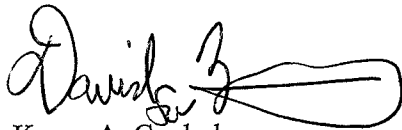
### **Specific Comments**

1. Please consider the pre-CEQA comments submitted by the Wildlife Agencies via electronic mail on November 3, 2010, and March 4 and March 8, 2011 (Enclosures 1 and 2) as applicable to this NOP.
2. The Wildlife Agencies support the project's proposal to eliminate Marron Road from the Circulation Element.
3. The NOP states: "...and 87.7 acres of open space are also proposed. The remaining natural open space post-development will be subject to Habitat Management Plan [HMP] requirements for preservation and management." The Draft EIR should clearly discuss and map the difference, if any, between the 87.7 ac of proposed open space and the "remaining natural open space" that will be preserved and managed consistent with the HMP.
4. The MHCP includes this reach of Buena Vista Creek in the Biological Core and Linkage Area; therefore, the DEIR should analyze potential impacts to wildlife movement along Buena Vista Creek. Because Buena Vista Creek is a potential wildlife corridor for larger mammals (e.g., deer, coyote, bobcat), bridges should be designed to provide a minimum 0.75 openness ratio with minimum dimensions of 6.5 feet wide by 10 feet high.
5. The DEIR should include maps and text that clearly define the location of brush management zones, and the 100-foot biological buffer and the 50-foot planning buffer on both sides of Buena Vista Creek.

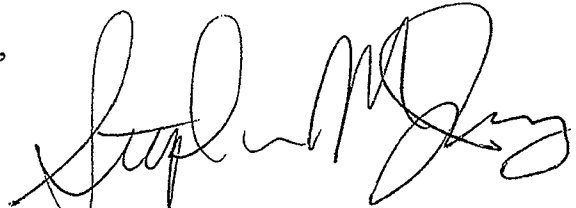
6. Figure 12 included with the NOP depicts the brush management zones around the Residential-5 area as extending into the open space. All brush management zones are considered to be fully impacted and should be included within the project footprint. The DEIR should clearly specify that no brush management would occur within the open space to be preserved and managed consistent with the HMP.
7. The NOP indicates that the easterly 100-ac parcel of the project site, bisected by Buena Vista Creek, is presently undergoing reclamation pursuant to the South Coast Quarry Reclamation Plan and EIR (SCH 2005111124) prepared by the City of Oceanside. The DEIR should provide the following: (1) status of this reclamation effort, (2) map(s) depicting precise location of the Reclamation Plan in relation to the Master Plan, and (3) summary of the interrelationship between the Reclamation Plan and the Master Plan.
8. While the NOP provides a project description, it states, "No development of units is proposed at this time." Please clarify what exactly is being proposed.

We appreciate the opportunity to provide comments on the subject NOP. Should you have any questions regarding this letter, please contact Janet Stuckrath (Service) at (760) 431-9440 extension 270 or Stephanie Rihl (Department) at (858) 467-4237.

Sincerely,



Karen A. Goebel  
Assistant Field Supervisor  
U.S. Fish and Wildlife Service



Stephen M. Juarez  
Environmental Program Manager  
California Department of Fish and Game

Enclosures (2)

cc:

State Clearinghouse (by email only; [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov))



## ENCLOSURE 1

The following are the contents of an electronic mail message (email) from Janet Stuckrath, Service, to Van Lynch, City of Carlsbad Planning Department, March 8, 2011.

From: Janet\_Stuckrath@fws.gov  
To: Van.Lynch@carlsbadca.gov  
cc: ELucas@dfg.ca.gov  
Date: 03/08/2011 2:55 PM  
Subject: Quarry Creek Master Plan - pre-CEQA comments

Van,

Libby's latest comments and our November 3, 2010, comments pretty much cover my concerns.

Page II-6, Section 2.2.2. We support the elimination of the east-west extension of Marron Road and the southerly extension of Rancho del Oro Road.

Page IV-31            This section should address the requirement for the QCMP to provide the restoration of the outer 20 feet of the biological buffer in a manner consistent with the 80 feet restored under the South Coast Quarry Amended Reclamation Plan.

Page IV-32            All planning areas adjacent to open space or conserved lands should include design criteria requiring non-reflective windows, lighting should be shielded and directed away, and landscaping should be native or non-invasive exotics.

Figure 11            There are two trail segments that specifically concern me. One is the westernmost trail that appears to lead into the CDFG Ecological Preserve. This segment of the trail should be eliminated unless it will connect to an approved trail to the west.

Page VI-13, Fig 27    We understand that brush management will be partially achieved through the use of single-loaded streets. However, Planning Areas R-1, R-2, and R-3 don't show a brush management zone between the planning areas and OS-3. The master plan should include an explanation of why this is not necessary.

Thank you for the opportunity to comment on the draft Master Plan. We reserve the right to provide additional comments as the project moves forward and during the review of the project-related CEQA document.

-----  
Janet Stuckrath  
U.S. Fish and Wildlife Service  
(760) 431-9440 ext. 270  
(760) 431-5902 (fax)

## ENCLOSURE 2

Email attachment sent to Van Lynch, City of Carlsbad Planning Department by Elizabeth "Libby" Lucas, dated March 4, 2011.

**From:** [ELucas@dfg.ca.gov](mailto:ELucas@dfg.ca.gov)  
**To:** [Van.Lynch@carlsbadca.gov](mailto:Van.Lynch@carlsbadca.gov)  
**cc:** [Janet Stuckrath@fws.gov](mailto:Janet_Stuckrath@fws.gov)  
**Date:** 03/04/2011 6:56 PM  
**Subject:** Quarry Creek Master Plan - pre-CEQA comments

**Comments on the *Quarry Creek Master Plan* prepared for the City of Carlsbad and dated September 3, 2010 – applicant McMillin Companies**

The following comments are in addition to the comments the Wildlife Agencies emailed to the City on November 3, 2010, and which are repeated at the end of this document. Subsequent versions of the *Quarry Creek Master Plan* should provide the requested changes.

Page I-6. The 5<sup>th</sup> and 8<sup>th</sup> bullets suggest that the areas set aside to preserve sensitive environmental resources would also be available as recreational open space. Please clarify that generally recreational activities will not be allowed in the areas that will be within the conservation easement (*i.e.*, the acres in the hardline preserve that support the mitigation for habitat impacts associated with the proposed project, namely the planting up to the top of the new Creek channel slopes plus the area beyond comprising the 100-foot buffer, and beyond the buffer boundary in areas where the CSS mitigation extends beyond it).

Page I-11, Figure 5. If the Figure is meant to reflect the City's approved Housing Element (which seems to be the case based on the 1<sup>st</sup> paragraph on page I-10), please change its title to *General Plan Map per Housing Element approved on December 22, 2009*. This will help clarify that the approved Housing Element includes the extension of Marron Road across the entirety of the Master Plan area in an east-west direction.

Page I-14 The text after "Walkability" could be interpreted as allowing trails and bikeways within the areas covered by the conservation easements (*i.e.*, the areas in the hardline preserve, CEs). Please modify the text to reflect that, whether or not public trails will be allowed within the CEs, and where they will be if they are allowed, will be subject to approval by the Wildlife Agencies, with consideration of the expected level of human use of the trails.

Page II-2, 1st paragraph. The last two sentences suggest that the open spaces within the conservation easements will be available for recreational uses. Please clarify that this generally will not be the case.

Page II-2, 2nd paragraph. Note that, while the proposed development footprint is “within the most disturbed and non-sensitive portions of the property,” the project may still cause indirect biological effects. We recognize that this may not be the right document to address the potential biological indirect impacts from the construction and the operation of the Master Plan, but it’s important to recognize them at this point. Please see General Comment #2 below.

Page II-2, section 2.1.3, 2nd paragraph.

- a. The text indicates that the Master Plan would include two high density neighborhoods. Figure 8 depicts only one area denoted as RH. Please clarify if both the high density neighborhoods will be within this area.
- b. The text indicates that medium-high densities consist of 10-15 units per acre, but Figures 5 and 8 and Table B in section 2.2.1 indicate that such densities consist of 8-15 units per acre. Please reconcile this discrepancy.

Page II-6, Section 2.2.2.

- a. In addition to citing Figure 8, this text should also cite one or more of the figures that fully depict the proposed internal circulation roads (e.g., Figure 11).
- b. This section discusses the elimination of the east-west extension of Marron Road and the southerly extension of Rancho del Oro Road. We support both of these.

Page II-9, 1st paragraph. The last two sentences seem to conflict in meaning.

Page II-10, Section 2.4.

- a. Number 7 in the bulleted list at the top of the page should be modified to explicitly identify the biological buffer.
- b. The last paragraph refers to 83.1 acres of land presently allocated to residential land use, whereas the preceding paragraph indicates that 63.97 net acres of development area is available. Please explain that the latter number differs from the former because of the results of the constraints analysis.
- c. Table C indicates that, per the constraints analysis, there are 72.28 acres available for open space, whereas Table D on page II-14 and other text in the document indicate that the Master Plan would have 85.8 acres of open space. Either explain why these are inconsistent or reconcile the difference.

Page II-12, Section 2.5.2 and Figure 11. Please modify the text to reflect that, whether or not public trails will be allowed, and where they will be if they are allowed, will be subject to approval by the Wildlife Agencies, with consideration of the expected level of human use of the trails. Same comment applies to: Page III-11, subsection b of Section 3.2.3; Page IV-31, Section 4.3.1; and Page VI-12, Section 6.4.5.

Page II-15, Section 2.5.5. We recognize that the FSEIR indicates that the proposed CE over the Creek and associated upland buffers would include a provision recognizing the potential need for the future road crossing, and explains that this provision would limit mitigation obligations to standard mitigation ratios rather than doubling of mitigation ratios as is typically required for impacts to mitigation areas. The Master Plan states that the “exact alignments of the roadways and drives with [sic] the Quarry Creek site will be determined at the same time of site development review.”

Page III-8, Section 3.2.3. Where the last sentence in the 2nd paragraph refers to the USFWS, please add CDFG. The same comment applies to the 1st sentence in the 2nd paragraph on page III-11.

Page III-12, Section 3.2.3. The 1st paragraph refers to “irrigation systems placed in the major project slopes.” Please add that there will be no permanent irrigation on the slopes within the CEs / hardlined preserve areas.

Page III-12, Section 3.2.4. Please add that all the BMPs shall be within the development footprint, outside of the HMP preserve / CEs / hardlined areas, including the biological buffer.

Page IV-9, Special Design Criteria.

- a. Please change the wording of criterion #8 to the wording of criterion #7 on page IV-29.

In criterion #9, please add “or planning buffer” after “Open Space areas.”

- b. Please add revised criteria #8 and #9 to the lists of criteria on pages IV-4, IV-14, IV-19, and the criterion #9 only to the list on page IV-29.

Page IV-14, Special Design Criteria.

- a. In addition to criterion #3 being beneficial for social interaction, it will also be beneficial to the biological resources in the biological buffer by minimizing their disturbance. Please add a similar criterion to the Special Design Criteria lists for R-1 and R-2 to minimize directing social interaction towards the biological buffer.

- b. Criterion #11 addresses refuse collection. Because of the adjacency/proximity of the residential units to the HMP Preserve, it is necessary to prevent the refuse from becoming an attractive nuisance for corvids and vermin because of the concern about their impact on the wildlife. Please add to this criterion that (a) the collector bins would be stored in completely enclosed areas, (b) the leachate from the bins would be directed to the sanitary sewer, (c) surface runoff from the rest of the project site would not be allowed to commingle with the leachate, (d) the HOA mentioned in Section 5.14 would inspect the refuse collection areas at least once monthly (shortly after a collection) and clean up any garbage or leachate that escaped, and (e) implement a trapping program for vermin around the refuse collection areas.

Pages IV-25 and IV-30, Figures 20 and 21. These figures and others in the Master Plan depict a fire suppression zone along the northern boundary of R-5.

- a. Please specify that this zone will be entirely within the development footprint and not encroach into the HMP Preserve. Section 4.3.1 (page IV-31) indicates this, but it would be helpful to state it on the figures too.
- b. Please explain why fire suppression zones are proposed only in this location and along the southern boundary of P-2.
- c. Please explain why a fire suppression zone is proposed for P-2, even though there will be no habitable structures there.

Page IV-32.

- a. The 1<sup>st</sup> paragraph states, “the biological buffer shall average 100-feet in width.” Please correct this to reflect that the HMP hardline the Wildlife Agencies agreed to includes a buffer that is at least 100 feet wide in all sections.
- b. The 1<sup>st</sup> paragraph identifies the only uses of the biological buffer other than its biological functions. Though trails are not included among those uses, the 3<sup>rd</sup> paragraph states, the Plan provides “a public trail within the outer 50 feet of the OS-3 creek channel environmental buffer.” Assuming that the intent is for the trail to be within the 50-foot planning buffer (which seems to be the case based on Figures 24 and 29, and the text in Section 6.4.5), which is outside the biological buffer, please clarify that the trail will be in the planning buffer, not the biological buffer (i.e., omit the use of the term *environmental buffer*).
- c. Please explain that the pedestrian crossing of the Creek will be provided adjacent to the vehicular bridge, as shown on Figures 24 and 29.

Page V-6, Section 5.14.2. This section indicates that residents in apartments and the apartment areas would not be subject to the CC&Rs that would apply to the condos and single family residential units. According to Figure 8, the apartment complexes are proposed to be between Haymar Drive and Buena Vista Creek. The apartment complexes need to be managed in the same manner as the other housing elements to minimize their and their residents' potential impacts on the resources supported by the HMP Preserve. Please describe how this will be accomplished.

## **GENERAL COMMENTS ON THE MASTER PLAN**

While the Master Plan is not the appropriate document to address the following comments, we wish to provide them now in the hopes that they will influence the project designs in biologically beneficial

We reserve the right to provide additional comments as the project progresses and upon review of the project-related CEQA document.

1. We request to have an opportunity early in the design phase of the Master Plan to discuss the least biologically damaging alignments and designs of the roads and pedestrian (Section 4.1.1, page IV-4, #4) crossings over the Creek.
2. The Department is concerned about the potential project-related direct and indirect effects on Buena Vista Creek, the HMP Preserve areas adjacent to the Creek and on the slopes adjacent to the project footprint, and the sensitive species these areas support. Specifically, we are concerned about the biological effects (e.g., wildlife movement, behavior such as breeding activity) from the project-related construction and operational (i.e., long-term) disturbances of these biological resources resulting from:
  - encroachment by humans and domestic animals;
  - possible conflicts resulting from wildlife-human interactions at the interface between the proposed development and the biological buffer;
  - line-of-sight disturbances;
  - noise;
  - light;
  - glare;
  - shading; and
  - hydrological changes both within the reach of the River adjacent to the project site and downstream.

It is essential that every effort be made to protect the biological resources within the HMP Preserve from additional direct and indirect impacts. In addition to the Wildlife Agencies

November 3, 2010, emailed comments repeated at the end of this document, the following comments also pertain to indirect impacts.

- a. If the project includes amenities (*e.g.*, outdoor tables) intended to attract human activities between the buildings and the biological buffer, the project description should prohibit the placement of tables and other amenities that would encourage prolonged human presence between the buildings and the buffer.
- b. The project should be designed to avoid and minimize indirect hydrological project-related impacts on biological resources, including measures to minimize changes in the hydrologic regimes on site, and means to convey runoff without damaging biological resources, including the morphology of on-site and downstream habitats. Please provide one or more figures depicting the location of BMPs in relation the development footprint.
- c. The CC&Rs should include an explicit requirement that residents and visitors not feed the birds. This should also apply to whatever mechanism will be used to require the residents that are not subject to the CC&Rs (*e.g.*, apartment dwellers).
- d. The *Master Plan* does not mention sports fields. If any sports fields (or any other uses that might require outdoor lighting) are proposed within close or adjacent to the HMP Preserve areas, they should either not be lit after dark or, if lit for after-dark activities, the lighting must meet the requirements in the HMP for lighting close or adjacent to the Preserve.
- e. All other project lighting too must meet the requirements in the HMP for lighting close or adjacent to the Preserve.
- f. The fencing mentioned in comment #3b below should be cat-proof.

**THE NOVEMBER 3, 2010, EMAILED COMMENTS ARE REPEATED BELOW.**

**From:** [ELucas@dfg.ca.gov](mailto:ELucas@dfg.ca.gov)  
**To:** [Van.Lynch@carlsbadca.gov](mailto:Van.Lynch@carlsbadca.gov)  
**cc:** [Janet\\_Stuckrath@fws.gov](mailto:Janet_Stuckrath@fws.gov)  
**Date:** 11/03/2010 09:56 AM  
**Subject:** Quarry Creek Master Plan - pre-CEQA comments

Hello Van,

If you are not the City planner working on the Quarry Creek Master Plan, please forward these comments to the assigned planner and copy us on that email.

The City of Oceanside City Council Weekly Update for October 14, 2010  
([www.cityofocceanside.com/pdf/10-14-10\\_CWU.pdf](http://www.cityofocceanside.com/pdf/10-14-10_CWU.pdf)), provides the following notice.

\*\*\*\*\*

#### Quarry Creek Master Plan

We have received a copy of the Quarry Creek Master Plan from the City of Carlsbad for review by November 5, 2010. The project is located on the 100-acre former Hanson Aggregate Quarry located at the western terminus of Marron Road and Haymar Street and west of the Quarry Creek Shopping Center. The project proposes over 600 housing units, which will be utilizing City of Oceanside streets for egress and ingress (Marron, Haymar, College Boulevard, etc.) and potentially many City of Oceanside services (water, sewer, Police, Fire, etc.). Please review the document which has been copied to the City's I Drive at: Citywide I Drive, Planning, Quarry Creek folder. Please forward any comments to Jerry Hittleman by Wednesday, October 27, and the will be compiled for transference to the City of Carlsbad.

\*\*\*\*\*

Sometimes the City and other jurisdictions request pre-CEQA comments from the Wildlife Agencies. We don't believe that we have received any such request for the Quarry Creek Master Plan (QCMP). However, in the hope that the CEQA document for the QCMP will address our comments below, we offer them to provide the City advance notice of our concerns to date based only on the information provided in the notice above. We may have additional comments when the CEQA document is circulated for public review.

1. We were both surprised to learn that over 600 units are being proposed. With so many units, the buildings will be several stories high, which raises concerns regarding avian collisions with glass in windows or glass doors. Therefore, especially for the buildings adjacent to the biological buffer for Buena Vista Creek, we request that the buildings' windows and glass doors (e.g., sliding doors) be of non-reflective glass and be treated to prevent indoor light from shining through them (see <http://www.flap.org/film.htm>) to avoid or minimize avian collisions resulting from reflection during the day and disorientation from indoor lighting shining out through windows at dusk and after dark.

2. The CEQA document should address the requirement for the QCMP to provide the restoration of the outer 20-feet of the biological buffer in a manner consistent with the inside 80 feet for the South Coast Quarry Creek Amended Reclamation Plan.

3. The CEQA document should reflect that:

a. no activities or structures (e.g., BMPs, storm water infrastructure, and fuel mod) will be within the biological buffer, with the exception of the habitat restoration, monitoring, and management, and the possible road crossing that may be required and would occupy less than 0.2



acre (according to an email we received from Barry Jones in the context of the South Coast Quarry Creek Amended Reclamation Plan);

b. permanent fencing will be installed between the development and the buffer (a minimum 6 feet tall, small gauge chain link, with a cantilever towards the development);

c. no lighting is allowed in the biological buffer, and all temporary and permanent outdoor lighting will be low-pressure sodium lighting that is downcast and fully shielded;

d. the CC&Rs, or some other mechanism if not CC&Rs, will prohibit residents from having outdoor cats and allowing dogs to be off leash.

4. The measures in the CEQA document to avoid impacts on sensitive avian species should account for breeding dates of raptors. As we commented on the South Coast Quarry Creek Amended Reclamation Plan, raptors may begin breeding as early as December. For example, in southern California, the earliest known egg dates for red-tailed hawk (*Buteo jamaicensis*) and white-tailed kite (*Elanus leucurus*), two non-HMP covered species observed on site, are early and mid-January, respectively. Therefore, the duration of the implementation of the protective measures during the avian breeding season should reflect these time frames.

If you have any questions or concerns about our comments, please let us know. Thank you.

Libby Lucas (CDFG) and Janet Stuckrath (USFWS)

STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 663-6251  
Fax (916) 657-5390  
Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
ds\_nahc@pacbell.net



April 9, 2012

Mr. Van Lynch, Project Planner

**City of Carlsbad Community & Economic Development**

1635 Faraday Avenue  
Carlsbad, CA 92008

Sent by FAX to (760) 602-8559  
No. of Pages: 5

Re: SCH#2012021039 CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the "EIR 11-02 – Quarry Creek Master Plan EIR Project (a 656-unit Residential Development on 156-acres in the Buena Vista Creek Valley & Watershed" located in the City of Carlsbad, San Diego County, California

Dear Mr. Lynch:

The California Native American Heritage Commission (NAHC) opposes this development in support of local Luiseño tribes because of its proximity to and threat to do possible harm to Native American cultural resources.

The Native American Heritage Commission (NAHC) is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3<sup>rd</sup> 604). The court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources, impacted by proposed projects including archaeological, places of religious significance to Native Americans and burial sites. The NAHC wishes to comment on the proposed project.

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect.

listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton  
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

The NAHC Sacred Lands File (SLF) search resulted as follows: **Native American cultural resources were not identified** within the project area identified. Also, the absence of archaeological resources does not preclude their existence. . California Public Resources Code §§5097.94 (a) and 5097.96 authorize the NAHC to establish a Sacred Land Inventory to record Native American sacred sites and burial sites. These records are exempt from the provisions of the California Public Records Act pursuant to California Government Code §6254(r). The purpose of this code is to protect such sites from vandalism, theft and destruction. The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Special reference is made to the *Tribal Consultation* requirements of the California 2006 Senate Bill 1059: enabling legislation to the federal Energy Policy Act of 2005 (P.L. 109-58), mandates consultation with Native American tribes (both federally recognized and non federally recognized) where electrically transmission lines are proposed. This is codified in the California Public Resources Code, Chapter 4.3 and §25330 to Division 15.

Furthermore, pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties pursuant to CA Public Resources Code §5097.95. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Consultation with tribes and interested Native American consulting parties, on the NAHC list, if the project is under federal jurisdiction, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq.*), 36 CFR Part 800.3 (4)(f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254( r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for

**Native American Contacts**  
**San Diego County**  
**April 9, 2012**

**San Pasqual Band of Mission Indians**  
**Allen E. Lawson, Chairperson**  
**PO Box 365** Diegueno  
**Valley Center, CA 92082**  
**allenl@sanpasqualband.com**  
**(760) 749-3200**  
**(760) 749-3876 Fax**

**Pauma & Yuima Reservation**  
**Randall Majel, Chairperson**  
**P.O. Box 369** Luiseno  
**Pauma Valley CA 92061**  
**paumareservation@aol.com**  
**(760) 742-1289**  
**(760) 742-3422 Fax**

**Kumeyaay Cultural Historic Committee**  
**Ron Christman**  
**56 Viejas Grade Road** Diegueno/Kumeyaay  
**Alpine, CA 92001**  
**(619) 445-0385**

**Pechanga Band of Mission Indians**  
**Paul Macarro, Cultural Resources Manager**  
**P.O. Box 1477** Luiseno  
**Temecula, CA 92593**  
**(951) 770-8100**  
**pmacarro@pechanga-nsn.gov**  
**(951) 506-9491 Fax**

**Mesa Grande Band of Mission Indians**  
**Mark Romero, Chairperson**  
**P.O. Box 270** Diegueno  
**Santa Ysabel, CA 92070**  
**mesagrandeband@msn.com**  
**(760) 782-3818**  
**(760) 782-9092 Fax**

**Kwaaymii Laguna Band of Mission Indians**  
**Carmen Lucas**  
**P.O. Box 775** Diegueno -  
**Pine Valley, CA 91962**  
**(619) 709-4207**

**Pala Band of Mission Indians**  
**Tribal Historic Preservation Office/Shasta Gaugher**  
**35008 PalaTemecula Road, PMB** Luiseno  
**50** Cupeno  
**Pala, CA 92059**  
**(760) 891-3515**  
**sgaugher@palatribe.com**  
**(760) 742-3189 Fax**

**Pauma Valley Band of Luiseño Indians**  
**Bennae Calac, Tribal Council Member**  
**P.O. Box 369** Luiseno  
**Pauma Valley CA 92061**  
**bennaecalac@aol.com**  
**(760) 617-2872**  
**(760) 742-3422 - FAX**

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012021039; CEQA Notice of preparation (NOP); draft Environmental Impact Report (DEIR) for the EIR 11-02 - Quarry Creek Master Plan EIR Project; located in the City of Carlsbad; San Diego County, California.

**Native American Contacts**  
**San Diego County**  
**April 9, 2012**

Rincon Band of Mission Indians  
Bo Mazzetti, Chairperson  
P.O. Box 68 Luiseno  
Valley Center, CA 92082  
bomazzetti@aol.com  
(760) 749-1051  
(760) 749-8901 Fax

La Jolla Band of Mission Indians  
James Trujillo, Vice Chair  
22000 Highway 76 Luiseno  
Pauma Valley, CA 92061  
rob.roy@lajolla-nsn.gov  
(760) 742-3796  
(760) 742-1704 Fax

San Pasqual Band of Indians  
Kristie Orosco, Environmental Coordinator  
P.O. Box 365 Luiseno  
Valley Center, CA 92082 Diegueno  
(760) 749-3200  
council@sanpasqualtribe.org  
(760) 749-3876 Fax

Ipai Nation of Santa Ysabel  
Clint Linton, Director of Cultural Resources  
P.O. Box 507 Diegueno/Kumeyaay  
Santa Ysabel, CA 92070  
cjlinton73@aol.com  
(760) 803-5694  
cjlinton73@aol.com

San Luis Rey Band of Mission Indians  
Tribal Council  
1889 Sunset Drive Luiseno  
Vista, CA 92081  
760-724-8505  
760-724-2172 - fax

Kumeyaay Cultural Repatriation Committee  
Bernice Paipa, Vice Spokesperson  
1095 Barona Road Diegueno/Kumeyaay  
Lakeside, CA 92040  
(619) 478-2113

San Luis Rey Band of Mission Indians  
Cultural Department  
1889 Sunset Drive Luiseno  
Vista, CA 92081 Cupeno  
760-724-8505

760-724-2172 - fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

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STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-6251  
Fax (916) 657-5390  
Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
de\_nahc@pacbell.net



May 8, 2012 (REVISED from 4-8-2012 letter)

Mr. Van Lynch, Project Planner

**City of Carlsbad Community & Economic Development**

1635 Faraday Avenue  
Carlsbad, CA 92008

Sent by FAX to: (760) 602-8559  
No. of Pages: 3

Re: SCH#2012021039; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the for the "EIR 11-02-Quarry Creek Master Plan EIR Project: (a 656-unit Residential Development on 156-acres in the Buena Vista Valley & Watershed)" located in the City of Carlsbad; San Diego County, California.

Dear Mr. Lynch:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3<sup>rd</sup> 604).

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. The NAHC did conduct a Sacred Lands File (SLF) search within the 'area of potential effect (APE)': the results are as follows: Native American cultural resources were not found in the APE. However, there are Native American cultural resources in close proximity to the APE. Also, the absence of archaeological resources does not preclude their existence at the subsurface level.

The NAHC 'Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq.*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C. 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

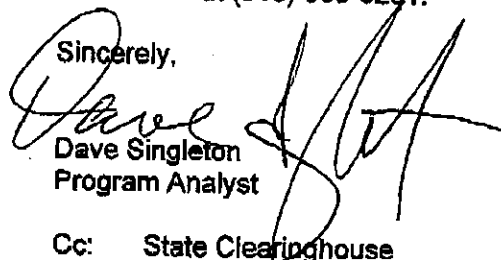
To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.



Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Singleton", is written over the typed name and title.

Dave Singleton  
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List



**PECHANGA CULTURAL RESOURCES**  
*Temecula Band of Luiseño Mission Indians*

Post Office, Box 2183 • Temecula, CA 92593  
Telephone (951) 308-9295 • Fax (951) 506-9491

March 15, 2012

**VIA E-MAIL and USPS**

Mr. Van Lynch  
Senior Planner  
City of Carlsbad Planning Division  
1635 Faraday Avenue  
Carlsbad, CA 92008

**Re: Pechanga Tribe Comments on the Public Notice of Preparation for EIR 11-02,  
Quarry Creek Master Plan EIR**

Dear Mr. Lynch:

This comment letter is written on behalf of the Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government. The Tribe formally requests, pursuant to Public Resources Code §21092.2, to be notified and involved in the entire CEQA environmental review process for the duration of the above referenced project (the "Project"). Please add the Tribe to your distribution list(s) for public notices and circulation of all documents, including environmental review documents, archeological reports, and all documents pertaining to this Project. The Tribe further requests to be directly notified of all public hearings and scheduled approvals concerning this Project. Please also incorporate these comments into the record of approval for this Project.

The Pechanga Tribe informs the City that the Project area is within an important and sensitive area for the Luiseño and includes Luiseño place names, *tóota yixélval* (cupules, pictographs, and petroglyphs), Village Complexes, sacred places and other tangible and intangible tribal heritage resources. Please understand that the above information may not be exhaustive of all the cultural resources that may be impacted by this Project. The Tribe submits these comments concerning the Project's potential impacts to cultural resources in conjunction with the environmental review of the Project and to assist the City in preparing appropriate avoidance and protection measures for the cultural resources that will be impacted during development of this Project. Because of the sensitivity of the information the Tribe possesses, there is some information that we cannot provide in written comments at this time. Therefore, the Tribe wishes to consult directly, face to face, with the City to share and discuss our confidential information.

Chairperson:  
Germaine Arenas

Vice Chairperson:  
Mary Bear Magee

Committee Members:  
Evie Gerber  
Darlene Miranda  
Bridgett Barcello Maxwell  
Aurelia Marruffo  
Richard B. Searce, III

Director:  
Gary DuBois

Coordinator:  
Paul Macarro

Cultural Analyst:  
Anna Hoover

**THE CITY OF CARLSBAD MUST INCLUDE INVOLVEMENT OF AND  
CONSULTATION WITH THE PECHANGA TRIBE IN ITS ENVIRONMENTAL  
REVIEW PROCESS**

It has been the intent of the Federal Government<sup>1</sup> and the State of California<sup>2</sup> that Indian tribes be consulted with regard to issues which impact cultural and spiritual resources, as well as other governmental concerns. The responsibility to consult with Indian tribes stems from the unique government-to-government relationship between the United States and Indian tribes. This arises when tribal interests are affected by the actions of governmental agencies and departments. In this case, it is undisputed that the project lies within the Pechanga Tribe's traditional territory. Therefore, in order to comply with CEQA and other applicable Federal and California law, it is imperative that the City of Carlsbad consult with the Tribe in order to guarantee an adequate knowledge base for an appropriate evaluation of the Project effects, as well as generating adequate mitigation measures.

**LEAD AGENCY CONSULTATION WITH THE PECHANGA TRIBE REQUIRED  
PURSUANT TO CAL. GOVT. C. §§ 65351, 65352, 65352.3, AND 65352.4  
(SENATE BILL 18 – TRADITIONAL TRIBAL CULTURAL PLACES LAW)**

In the event that a General Plan, General Plan Amendment, Specific Plan or Specific Plan Amendment will be processed on this Project, the Lead Agency is required to consult with the Pechanga Tribe pursuant to a State law entitled Traditional Tribal Cultural Places (also known as SB 18; Cal. Govt. C. § 65352.3). The purpose of consultation is to identify any Native American sacred places and any geographical areas which could potentially yield sacred places, identify proper means of treatment and management of such places, and to ensure the protection and preservation of such places through agreed upon mitigation (Cal. Govt. C. 65352.3; SB18, Chapter 905, Section 1(4)(b)(3)). Consultation must be government-to-government, meaning directly between the Tribe and the Lead Agency, seeking agreement where feasible (Cal. Govt. C. § 65352.4; SB18, Chapter 905, Section 1(4)(b)(3)). Lastly, any information conveyed to the Lead Agency concerning Native American sacred places shall be confidential in terms of the specific identity, location, character and use of those places and associated features and objects. This information is not subject to public disclosure pursuant the California Public Records Act (Cal. Govt. C. 6254(r)).

**PECHANGA CULTURAL AFFILIATION TO PROJECT AREA**

The Pechanga Tribe asserts that the Project area is part of Luiseño, and therefore the Tribe's, aboriginal territory as evidenced by the existence of Luiseño place names, *tóota yixélval*

<sup>1</sup>See e.g., Executive Memorandum of April 29, 1994 on Government-to-Government Relations with Native American Tribal Governments, Executive Order of November 6, 2000 on Consultation and Coordination with Indian Tribal Governments, Executive Memorandum of September 23, 2004 on Government-to-Government Relationships with Tribal Governments, and Executive Memorandum of November 5, 2009 on Tribal Consultation.

<sup>2</sup> See California Public Resource Code §5097.9 et seq.; California Government Code §§65351, 65352.3 and 65352.4

(rock art, pictographs, petroglyphs), and an extensive Luiseño artifact record in the vicinity of the Project.

The Pechanga Tribe's knowledge of our ancestral boundaries is based on reliable information passed down to us from our elders; published academic works in the areas of anthropology, history and ethno-history; and through recorded ethnographic and linguistic accounts. Of the many anthropologists and historians who have presented boundaries of the Luiseño traditional territory, none have excluded this area of San Diego County from their descriptions (Sparkman 1908; Kroeber 1925; White 1963; Harvey 1974; Oxendine 1983; Smith and Freers 1994), and such territory descriptions correspond almost identically with that communicated to the Pechanga people by our elders. While historic accounts and anthropological and linguistic theories are important in determining traditional Luiseño territory, the most critical sources of information used to define our traditional territories are our songs, creation accounts, and oral traditions.

Luiseño history originates with the creation of all things at *'éxva Teméeku*, in the present day City of Temecula, and dispersing out to all corners of creation (what is today known as Luiseño territory). It was at Temecula that the Luiseño deity *Wuyóot* lived and taught the people, and here that he became sick, finally expiring at Lake Elsinore. Many of our songs relate the tale of the people taking the dying *Wuyóot* to the many hot springs at Elsinore, where he died (DuBois 1908). He was cremated at *'éxva Teméeku*. It is the Luiseño creation account that connects Elsinore to Temecula, and thus to the Temecula people who were evicted and moved to the Pechanga Reservation, and now known as the Pechanga Band of Luiseño Mission Indians (the Pechanga Tribe). From Elsinore, the people spread out, establishing villages and marking their territories. The first people also became the mountains, plants, animals and heavenly bodies.

Many traditions and stories are passed from generation to generation by songs. One of the Luiseño songs recounts the travels of the people to Elsinore after a great flood (DuBois 1908). From here, they again spread out to the north, south, east and west. Three songs, called *Moniivol*, are songs of the places and landmarks that were destinations of the Luiseño ancestors. They describe the exact route of the Temecula (Pechanga) people and the landmarks made by each to claim title to places in their migrations (DuBois 1908:110). The Native American Heritage Commission (NAHC) Most Likely Descendent (MLD) files substantiate this habitation and migration record from oral tradition. These examples illustrate a direct correlation between the oral tradition and the physical place; proving the importance of songs and stories as a valid source of information outside of the published anthropological data.

*Tóota yixélval* (rock art) is also an important element in the determination of Luiseño territorial boundaries. *Tóota yixélval* can consist of petroglyphs (incised) elements, or pictographs (painted) elements. The science of archaeology tells us that places can be described through these elements. Riverside and Northern San Diego Counties are home to red-pigmented pictograph panels. Archaeologists have adopted the name for these pictograph-versions, as

defined by Ken Hedges of the Museum of Man, as the San Luis Rey style. The San Luis Rey style incorporates elements which include chevrons, zig-zags, dot patterns, sunbursts, handprints, net/chain, anthropomorphic (human-like) and zoomorphic (animal-like) designs. Tribal historians and photographs inform us that some design elements are reminiscent of Luiseño ground paintings. A few of these design elements, particularly the flower motifs, the net/chain and zig-zags, were sometimes depicted in Luiseño basket designs and can be observed in remaining baskets and textiles today.

An additional type of *tóota yixélval*, identified by archaeologists also as rock art or petroglyphs, are cupules. Throughout Luiseño territory, there are certain types of large boulders, taking the shape of mushrooms or waves, which contain numerous small pecked and ground indentations, or cupules. Many of these cupule boulders have been identified within a few miles of the Project. Additionally, according to historian Constance DuBois:

When the people scattered from Ekvo Temeko, Temecula, they were very powerful. When they got to a place, they would sing a song to make water come there, and would call that place theirs; or they would scoop out a hollow in a rock with their hands to have that for their mark as a claim upon the land. The different parties of people had their own marks. For instance, Albañas's ancestors had theirs, and Lucario's people had theirs, and their own songs of Munival to tell how they traveled from Temecula, of the spots where they stopped and about the different places they claimed (1908:158).

There are several place names located close to the Project, including *Kayúui Pokí'*, *'ayú'*, and *'éengqalis*. These names refer to specific locations within the landscape that were important to the ancestors and are therefore, important to us. As such, our songs and stories, our indigenous place names, as well as academic works, demonstrate that the Luiseño people who occupied what we know today as Carlsbad, Oceanside and this area of San Diego County are ancestors of the present-day Luiseño/Pechanga people; Pechanga is culturally affiliated to this geographic area.

The Tribe welcomes the opportunity to meet with the City of Carlsbad to further explain and provide documentation concerning our specific cultural affiliation to lands within your jurisdiction.

### **PROJECT IMPACTS TO CULTURAL RESOURCES**

The proposed Project is on land that is within the traditional territory of the Pechanga Band of Luiseño Indians. The Pechanga Band is not opposed to this Project; however, we are opposed to any direct, indirect and cumulative impacts this Project may have to tangible and intangible tribal cultural resources. The Tribe's primary concerns stem from the Project's proposed impacts to these resources. The Tribe is very concerned about both the protection of

unique and irreplaceable cultural resources, such as Luiseño village sites, sacred sites and archaeological items which would be displaced by ground disturbing work on the Project, and on the proper and lawful treatment of cultural items, Native American human remains and sacred items likely to be discovered in the course of the work. In addition, given the unique and sensitive cultural and natural resources – such as the El Salto Falls – located within the Project area, the Tribe is concerned about the long term protection and preservation of these resources from attractive nuisance issues and vandalism (which already occurs at the site).

Currently, the Tribe is concerned that the proposed Project will impact cultural resources not only directly (i.e., physically), but also indirectly through visual and auditory impacts, as well as cumulative impacts. In order to be a legally adequate document, these issues must be thoroughly and properly analyzed within the Draft Environmental Impact Report (DEIR). The Tribe also wants to discuss specific avoidance/preservation measures, long-term protection of and growth-related impacts for the all cultural resources (known or unknown) located within this unique place with the City which should be included in the DEIR as well. At this time, the Tribe requests that the City of Carlsbad – and any other Agency which may be involved in processing this Project - continues to consult and work with the Pechanga Tribe, as well as the San Luis Rey Band, to assure that an adequate environmental assessment is completed.

In addition to accounting for impacts to known cultural resources, the CEQA Guidelines state that lead agencies should make provisions for inadvertent discoveries of cultural resources (CEQA Guidelines §15064.5).

The Tribe believes that adequate cultural resources assessments and management must always include a component which addresses inadvertent discoveries. Every major State and Federal law dealing with cultural resources includes provisions addressing inadvertent discoveries (See e.g.: CEQA (Cal. Pub. Resources Code §21083.2(i); 14 CCR §1506.5(f)); Section 106 (36 CFR §800.13); NAGPRA (43 CFR §10.4). Moreover, most state and federal agencies have guidelines or provisions for addressing inadvertent discoveries (See e.g.: FHWA, Section 4(f) Regulations - 771.135(g); CALTRANS, Standard Environmental Reference - 5-10.2 and 5-10.3). Because of the extensive presence of the Tribe's ancestors within the Project area, it is not unreasonable to expect to find vestiges of that presence. Such cultural resources and artifacts are significant to the Tribe as they are reminders of their ancestors. Moreover, the Tribe is expected to protect and assure that all cultural sites of its ancestors are appropriately treated in a respectful manner. Therefore, as noted previously, it is crucial to adequately address the potential for inadvertent discoveries.

Further, the Pechanga Tribe believes that if human remains are discovered, State law would apply and the mitigation measures for the permit must account for this. According to the California Public Resources Code, § 5097.98, if Native American human remains are discovered, the Native American Heritage Commission must name a “most likely descendant,” who shall be consulted as to the appropriate disposition of the remains. Further, the DEIR must provide adequate avoidance measures should human remains be disturbed during the development of this

Pechanga Comment Letter to the City of Carlsbad  
Re: Pechanga Tribe Comments on the NOP for the Quarry Creek EIR  
March 15, 2012  
Page 6

Project. It is the Pechanga Tribe's position that human remains cannot be moved or otherwise disturbed and must remain in their original resting place. We can discuss this issue further with the City when we meet face to face.

The Tribe reserves the right to fully participate in the environmental review process, as well as to provide further comment on the Project's impacts to cultural resources and potential mitigation for such impacts. Further, the Tribe reserves the right to participate in the regulatory process and provide comment on issues pertaining to the regulatory process and Project approval.

The Pechanga Tribe looks forward to working together with the City of Carlsbad in protecting the invaluable Pechanga cultural resources found in the Project area. Please contact me at 951-770-8104 or at ahoover@pechanga-nsn.gov once you have had a chance to review these comments so that we might address the issues concerning the mitigation language. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Hoover', with a long horizontal flourish extending to the right.

Anna Hoover  
Cultural Analyst

Cc Pechanga Office of the General Counsel



# **SAN LUIS REY BAND OF MISSION INDIANS**

***1889 Sunset Drive • Vista, California 92081***

***760-724-8505 • FAX 760-724-2172***

***www.slrmissionindians.org***

March 16, 2012

Mr. Van Lynch  
Senior City Planner  
Planning Department  
City of Carlsbad  
1635 Faraday Avenue  
Carlsbad, CA 92028

**VIA ELECTRONIC MAIL**  
**Van.Lynch@carlsbadca.gov**

**RE: TRIBAL RESPONSE REGARDING THE NOTICE OF PREPARATION  
FOR THE QUARRY CREEK MASTER PLAN EIR (EIR 11-02) AND THE  
PROJECT'S POSSIBLE AFFECTS ON NATIVE AMERICAN  
CULTURAL RESOURCES**

Dear Mr. Lynch:

We, the San Luis Rey Band of Mission Indians ("Tribe") have received and reviewed the City of Carlsbad's ("City's") Notice of Preparation for the Quarry Creek Master Plan EIR ("Project"). We understand that the Project is located within the jurisdiction of the City of Carlsbad. We further understand that you are currently evaluating the possible cultural impacts that may be caused by the Project. Thank you for requesting our assistance in this matter.

As you are aware, we are a San Diego County Tribe whose traditional territory includes the current cities of Oceanside, Carlsbad, Vista, San Marcos and Escondido, as well as the communities of Fallbrook and Bonsall. The Tribe is always concerned about the preservation and protection of cultural, archaeological and historical sites within all these jurisdictions. For this Project in particular, the Tribe has been actively involved in identifying and preserving cultural resources within and outside the Project's boundaries for the past decade or so. The Project area is rich in cultural resources and is home to a Luiseño Sacred Site, El Salto Falls.

Given the Tribe's extensive involvement in the Project area, the Tribe would prefer to share our concerns directly with the City through government to government consultation, also known as SB 18. Please contact me at your earliest convenience to arrange this very important meeting between the City and the Tribe. I can be contacted by telephone at (925) 457-3395 or by



email at lopezkeifer@gmail.com. Please also be aware that the Tribe has met with the developer of the Project and continues to have meaningful consultation regarding their proposed development of the Project area.

We appreciate your request for the Tribe to share our concerns regarding the impact of this Project on our Native American sacred sites/and or cultural resources. We thank you for your continuing assistance in protecting our invaluable Luiseño cultural resources and look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Merri Lopez-Keifer". The signature is fluid and cursive, with the first name "Merri" being more prominent and the last name "Lopez-Keifer" following in a similar style.

Merri Lopez-Keifer  
Tribal Legal Counsel  
San Luis Rey Band of Mission Indians

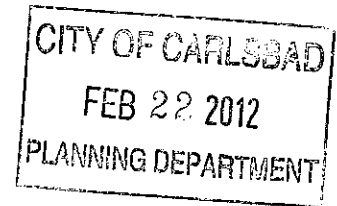
cc: Melvin Vernon, Tribal Captain  
Carmen Mojado, Secretary of Government Relations and President of Saving Sacred Sites



# San Diego County Archaeological Society, Inc.

Environmental Review Committee

20 February 2012



To: Mr. Van Lynch, Senior Planner  
Planning Division  
City of Carlsbad  
1635 Faraday Avenue  
Carlsbad, California 92008

Subject: Notice of Preparation of a Draft Environmental Impact Report  
Quarry Creek Master Plan EIR  
EIR 11-02

Dear Mr. Lynch:

Thank you for the Notice of Preparation for the subject project, which was received by this Society earlier this month.

We are pleased that cultural resources have been included in the list of subject areas to be addressed in the DEIR. In order to permit us to review the cultural resources aspects of the project, please include us in the distribution of the DEIR when it becomes available for public review. Also, in order to facilitate our review, we would appreciate being provided with one copy of the cultural resources technical report(s) along with the DEIR.

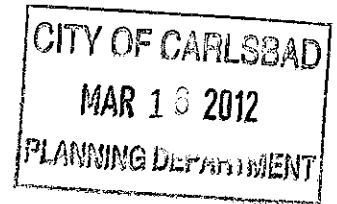
SDCAS appreciates being included in the environmental review process for this project.

Sincerely,

  
James W. Royle, Jr., Chairperson  
Environmental Review Committee

cc: SDCAS President  
File

**Costa Serena Architectural Committee  
P.O. Box 6076  
Oceanside, CA 92056-6076**



**City of Carlsbad  
Attn: Mr. Van Lynch, Senior Planner  
City of Carlsbad Planning Division  
1635 Faraday Avenue  
Carlsbad, CA 92008**

**After attending the Scoping Meeting of March 1, 2012, these are some of the concerns we as the Board of Directors of Costa Serena have regarding your proposed project at Quarry Creek.**

**When the initial project was discussed we understood there would be approximately 159 to 200 single family homes. At the scoping meeting we are now told that in area R-1 there will be 101 high density affordable apartments. In R-2 there will be 200 high density affordable condos. In R-3 exiting into the existing shopping center there will be 72 units and in R-4 another 217 units with the last parcel having 66 med. to high density units. It is our understanding that Carlsbad will use all of these units for their low income mitigation with no single family houses at all.**

**Therefore Carlsbad gets the tax, etc. benefits and we the taxpayers of the City of Oceanside get the entire financial burden.**

**This would include but not be limited to road maintenance, fire and paramedic services, police services, etc.**

**All ingress and egress to the property would be thru the Kohl's and Wal-Mart shopping center road and the Nissan road. At this time we cannot even drive there between 6:00a.m. and 8:00a.m., between 11:00a.m. and 1:00p.m. (this will undoubtedly get worse with the fast food restaurants already in the shopping center and the opening of the new high school.) Then between 4:00p.m. and 7:00p.m. again traffic is so thick you cannot get thru. On multiple occasions we all have observed emergency vehicles having to drive on the wrong side of the street to get thru. At the rate of building and high density you are proposing those of us who shop in the area would have to restrict our**

shopping hours to midnight. Sounds like an exaggeration, but just try and drive thru during the above mentioned hours.

Our second big concern is, we have the National Historical Native American Site and the Hacienda. This site is an absolute treasure and none of us can understand why the City of Carlsbad does not do everything in their power to protect it.

The pollution from the approximately 1200-1500 hundred cars and other vehicles that will be in this low-lying area on a daily basis will obviously dramatically harm the Nationally Historic Hacienda.

We spent nine and a half million dollars to preserve the Wild Life Corridor and now you want to put a road thru it, high density housing and 1200/1500 hundred cars and other vehicles to pollute the whole area. Remembering also that this is a low-lying area in a known flood plain.

Our last concern for the purposes of this letter is that of the 696 homes in our community, only one person received a notice! We would request that when you have your next public meeting you send us a notice one month in advance so that we can put this in our newsletter. We do not feel this is unreasonable as you have to reserve the meeting area in advance anyway.

Thank you,

Costa Serena Architectural Committee

*See previous  
Alene Loto*  
*Just*

---

**From:** Gnibus, Tim  
**Sent:** Monday, March 12, 2012 2:32 PM  
**To:** Bird, Hilary  
**Subject:** FW: Quarry creek NOP comment

NOP Comment (via e-mail) below.

TIM GNIBUS  
AICP  
HDR Engineering, Inc.  
Environmental Science Business Class Lead

3230 El Camino Real, Suite 200 | Irvine, CA 92602  
714.730.2451 | c: 760.845.9258  
[Tim.Gnibus@hdrinc.com](mailto:Tim.Gnibus@hdrinc.com)  
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-----Original Message-----

From: Van Lynch [<mailto:Van.Lynch@carlsbadca.gov>]  
Sent: Friday, March 02, 2012 8:01 AM  
To: Gnibus, Tim  
Cc: Paul Klukas; Todd Galarneau  
Subject: FW: Quarry creek NOP comment

FYI

-----Original Message-----

From: [andesite1@aol.com](mailto:andesite1@aol.com) [<mailto:andesite1@aol.com>]  
Sent: Thursday, March 01, 2012 5:39 PM  
To: Van Lynch  
Subject: Quarry creek

Make sure you warn the planners about the cancer cluster around Hope elementary! Which is next to the Quarry-soil contamination?  
Sent from my Verizon Wireless BlackBerry

---

**From:** Gnibus, Tim  
**Sent:** Monday, March 12, 2012 2:33 PM  
**To:** Bird, Hilary  
**Subject:** FW: Proposed Quarry project

TIM GNIBUS  
AICP  
HDR Engineering, Inc.  
Environmental Science Business Class Lead

3230 El Camino Real, Suite 200 | Irvine, CA 92602  
714.730.2451 | c: 760.845.9258  
[Tim.Gnibus@hdrinc.com](mailto:Tim.Gnibus@hdrinc.com)  
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-----Original Message-----

From: Van Lynch [<mailto:Van.Lynch@carlsbadca.gov>]  
Sent: Monday, March 05, 2012 7:54 AM  
To: Gnibus, Tim  
Cc: Todd Galarneau; Paul Klukas  
Subject: FW: Proposed Quarry project

FYI, Van

-----Original Message-----

From: Me [<mailto:impactbr2@aol.com>]  
Sent: Saturday, March 03, 2012 2:21 PM  
To: Van Lynch  
Subject: Proposed Quarry project

If I say nothing else...has the proponent s of this project seen the rush hour traffic at both el camino and college?  
This is insane. Environmentally it is irresponsible profit seeking.  
Sent from my iPhone please excuse misspells.

---

**From:** Gnibus, Tim  
**Sent:** Monday, March 12, 2012 2:33 PM  
**To:** Bird, Hilary  
**Subject:** FW: Where Will the Quarry Creek Children Be Districted?

**TIM GNIBUS**  
AICP

**HDR Engineering, Inc.**  
Environmental Science Business Class Lead

3230 El Camino Real, Suite 200 | Irvine, CA 92602  
714.730.2451 | c: 760.845.9258  
[Tim.Gnibus@hdrinc.com](mailto:Tim.Gnibus@hdrinc.com)

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**From:** Van Lynch [<mailto:Van.Lynch@carlsbadca.gov>]  
**Sent:** Monday, March 05, 2012 8:20 AM  
**To:** Tom U. Gardner  
**Cc:** Don Neu  
**Subject:** RE: Where Will the Quarry Creek Children Be Districted?

Mr. Gardner, The Carlsbad Unified School District is responsible for managing their districts. From prior correspondence, Hope Elementary School is the currently assigned elementary school. From the District's website, Calavera Hills Middle School and Carlsbad High School (Sage Creek High School (depending on construction and open schedules as it does not show on their map)) would be the other schools. I would have you contact them at (760) 331-5000 for more information. School District maps can be found on the School District website at <http://locator.decisioninsite.com/Default.aspx?StudyID=47738>.

Sincerely,

Van Lynch  
Senior Planner

1635 Faraday Av  
Carlsbad CA 92008  
T (760) 602-4613  
F (760) 602-8559  
[van.lynch@carlsbadca.gov](mailto:van.lynch@carlsbadca.gov)  
[www.carlsbadca.gov](http://www.carlsbadca.gov)



**From:** Tom U. Gardner [<mailto:tomugardner@tomugardner.com>]  
**Sent:** Saturday, March 03, 2012 8:52 PM  
**To:** Van Lynch

**Cc:** Don Neu

**Subject:** Where Will the Quarry Creek Children Be Districted?

Dear Mr. Lynch,

Where will the Quarry Creek children be districted

(<http://www.carlsbadca.gov/services/departments/planning/Documents/EIR1102.nop.pdf>)? In other words, what elementary, middle, and high schools will they attend?

Sincerely,

Tom Gardner  
3674 Strata Dr  
Carlsbad, CA 92010

Van Lynch, Senior Planner  
1635 Faraday Avenue  
Carlsbad, CA 92008  
[van.lynch@carlsbadca.gov](mailto:van.lynch@carlsbadca.gov)

Don Neu, City Planner  
1635 Faraday Avenue  
Carlsbad, CA 92008  
[don.neu@carlsbadca.gov](mailto:don.neu@carlsbadca.gov)



---

**From:** Gnibus, Tim  
**Sent:** Monday, March 12, 2012 2:33 PM  
**To:** Bird, Hilary  
**Subject:** FW: The Quarry Project

**TIM GNIBUS**  
AICP

**HDR Engineering, Inc.**  
Environmental Science Business Class Lead

3230 El Camino Real, Suite 200 | Irvine, CA 92602  
714.730.2451 | c: 760.845.9258  
[Tim.Gnibus@hdrinc.com](mailto:Tim.Gnibus@hdrinc.com)

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**From:** Van Lynch [<mailto:Van.Lynch@carlsbadca.gov>]  
**Sent:** Monday, March 05, 2012 7:52 AM  
**To:** Gnibus, Tim  
**Cc:** Todd Galarneau; Paul Klukas  
**Subject:** FW: The Quarry Project

FYI, Van

**From:** Michelle [<mailto:zoemydog@gmail.com>]  
**Sent:** Saturday, March 03, 2012 2:07 PM  
**To:** Van Lynch  
**Subject:** The Quarry Project

I wanted to state my opinion on the Quarry Creek Master plan:

Are you NUTS???? REALLY??? You want to put more people and cars off of the 78 and college??

Are you all idiots there??

Have you ever been on College and 78 at 5PM??? Obviously not!!

There is no way that this is going to happen!! There is a beautiful water fall down there.....it's by the freeway, really, you want people to live by the freeway?

Does Carlsbad really need the money? Didn't Bressi Ranch make enough for the city to last for a while.

My vote is NO WAY for this Quarry Creek Project

A Carlsbad resident since 1988

Michelle Eaton  
3625 Cheshire Ave  
Carlsbad 92010

.....Well-behaved women seldom make history.....

---

**From:** Gnibus, Tim  
**Sent:** Monday, March 12, 2012 2:33 PM  
**To:** Bird, Hilary  
**Subject:** FW: Quarry Creek

**TIM GNIBUS**  
AICP

**HDR Engineering, Inc.**  
Environmental Science Business Class Lead

3230 El Camino Real, Suite 200 | Irvine, CA 92602  
714.730.2451 | c: 760.845.9258  
[Tim.Gnibus@hdrinc.com](mailto:Tim.Gnibus@hdrinc.com)

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**From:** Van Lynch [<mailto:Van.Lynch@carlsbadca.gov>]  
**Sent:** Monday, March 05, 2012 7:56 AM  
**To:** Gnibus, Tim  
**Cc:** Todd Galarneau; Paul Klukas  
**Subject:** FW: Quarry Creek

FYI, Van

---

**From:** Michele Torres [<mailto:rabytorres@yahoo.com>]  
**Sent:** Saturday, March 03, 2012 5:41 PM  
**To:** Van Lynch  
**Subject:** Quarry Creek

Mr. Lynch,

I have been a Carlsbad resident for 31 years and am very frustrated with Carlsbad's continued growth. The plan to put over 600 apartments in the area designated for the Quarry Creek development is darn ridiculous, to put it mildly. Have you ever driven in the area by Calavera schools and Walmart during morning rush hour, school start and stop time, and evening rush hour? Talk about a quagmire. Why do we want to add more congestion? We do not need more housing in such a condensed area that will add to the traffic mess that exists today.

Let's spend our time and money developing downtown and the empty space at the Westfield Mall. I want to support Carlsbad business but not to the expense of greedy developers.

Carlsbad planning commission: kill this Quarry Creek plan now!

Michele Torres  
760-729-9173

---

**From:** Gnibus, Tim  
**Sent:** Tuesday, March 13, 2012 3:10 PM  
**To:** Bird, Hilary  
**Subject:** FW: Quarry creek proposal comment

Another Quarry Creek NOP comment to add to PW.

TIM GNIBUS  
AICP  
HDR Engineering, Inc.  
Environmental Science Business Class Lead

3230 El Camino Real, Suite 200 | Irvine, CA 92602  
714.730.2451 | c: 760.845.9258  
[Tim.Gnibus@hdrinc.com](mailto:Tim.Gnibus@hdrinc.com)  
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-----Original Message-----

From: Van Lynch [<mailto:Van.Lynch@carlsbadca.gov>]  
Sent: Tuesday, March 13, 2012 11:44 AM  
To: Patrice  
Subject: RE: Quarry creek proposal comment

Dear Ms. Danaher, The build out projections for the Quarry Creek site has been 282 units based on the Existing General Plan Land Use designation of Residential Low Medium (RLM) of 3.2 units per acre of net developable land (88.2 ac). Last year, the City Council identified the site as a location that the City could partially fulfill our Regional Housing Needs Allocation as defined by the State. During the City General Plan Housing Element update, the 100 acre portion of the Quarry Creek site (old Quarry) was allocated 506 dwelling units to meet this need. The project is a total of 156 acres and has additional development potential. The project is preserving 87 acres of open space. The existing Quarry Reclamation plan has placed the falls and a surrounding buffer in a perpetual open space easement for their protection.

Also adopted in 2004 was the Habitat Management Plan (HMP). Under the HMP, the Quarry creek property was given a specific number of acres of habitat to preserve (referenced as a "hardline area"). The project proposes to provide roughly six additional acres of open space than identified in the HMP. An Open Space and Trails Ad Hoc Citizen's Advisory Committee did review a variety of properties for open space acquisition. The properties selected were of better habitat value and connected with existing open space areas to provide for a better comprehensive open space plan. Additional properties in Carlsbad have been and are in the process of being purchased for mitigation land and preserved as open space.

Issues such as traffic and water supply are being analyzed as part of the Environmental Impact Report being prepared for the project.

Please let me know if you have any other questions.

Sincerely,

Van Lynch  
Senior Planner  
1635 Faraday Av

Carlsbad CA 92008  
T (760) 602-4613  
[van.lynch@carlsbadca.gov](mailto:van.lynch@carlsbadca.gov)  
[www.carlsbadca.gov](http://www.carlsbadca.gov)

-----Original Message-----

From: Patrice [<mailto:pwdpwd@gmail.com>]  
Sent: Thursday, March 08, 2012 9:43 PM  
To: Van Lynch  
Subject: Quarry creek proposal comment

Dear Mr. Lynch,

I would like the city staff to state why they are ignoring the General Plan for about 160 homes and planning to build 656 homes at quarry creek? This site is a key site for acquisition as open space, yet the city ignores this; please explain why. Such a large number of homes at the site will make traffic far worse than it is, cause degradation of the environment, likely cause the falls to be trashed, and reduce open space available for people, plants and wildlife. Additionally, I worry about the water supply. Isn't all of our water in Carlsbad imported? Do we need more homes?

I'm opposed to this plan. I've written to council members previously but unfortunately received no reply. I'd appreciate a reply to these concerns.

Sincerely,  
Patrice Danaher



**March 16, 2012**

**Van Lynch  
Senior Planner  
City of Carlsbad, Planning Department  
1635 Faraday Avenue  
Carlsbad, CA 92008**

**Subject : Scoping Comments Quarry Creek Master Plan EIR**

**Dear Mr. Lynch :**

**These comments on the EIR project scope are made on behalf of Preserve Calavera. Preserve Calavera is a grassroots organization whose goal is to preserve, protect and enhance the natural resources of coastal north county. We have a long history of involvement with the Buena Vista Creek Valley and have had numerous meetings with the developer of this project. We are disappointed that the proposed project has not addressed many of the concerns that have been raised by us and other community stakeholders. Instead they have chosen to propose a project that will cause irrevocable damage to the priceless natural, cultural and historical resources of this valley. Given the extent of the damage we believe it is critical that the EIR for this project thoroughly identify impacts, reduce them as appropriate and provide adequate mitigation for any remaining impacts. We believe there is a reasonable compromise position that would protect the resources, allow the city to meet their obligations for affordable housing, and provide the developer with a fair return on their investment.**

**The following are our specific comments on this project:**

**Land Use and Planning**

**- Part of the land use analysis will consider consistency with regional requirements. This should include SANDAG's Smart Growth program. The city often says that they are proposing this area for dense residential development in order to be consistent with SANDAG's Smart Growth program. SANDAG staff make it very clear that they do not put sites on the Smart Growth map- they just compile sites that are submitted by their members. SANDAG does establish criteria for each category of Smart Growth site. What should be evaluated in the EIR is whether the Quarry Creek development is consistent with the adopted criteria for a Community Center. Review makes it clear that it does not comply for several reasons: As noted on the Smart growth Concept Map the Quarry Creek Site CB-3 requires both land use and transit changes to meet the criteria. The land use can be addressed through the entitlement process, but that does not address both the distance to transit and the level of service required for a Community Center. It specifically states "No Qualifying Existing or**

***5020 Nighthawk Way -Oceanside, CA 92056  
[www.preservecalavera.org](http://www.preservecalavera.org)***

**Planned Transit.” Furthermore the project description does not match the land use description as there are no commercial uses proposed and this is not a “mixed-use” project as stated. Quarry Creek is not a smart growth site. It is in fact just dense development in an area not well served by public transit and as such it will contribute to excess traffic congestion, not help reduce it. The EIR needs to assess its lack of compliance with smart growth criteria and find that it is inconsistent with the regional plan for Smart Growth.**

**- The EIR should also assess compliance with SANDAG’s Sustainable Communities Strategy (SCS). Compliance with this is tied to the 2050 Regional Transportation Plan (RTP). The EIR for the RTP included numerous mitigation measures where local communities would be expected to take action to comply. Failure to follow these guidelines will lead to excess auto trips, poor integration of land use and transportation, and failure to meet regional greenhouse gas reduction standards. The first step is compliance with the SCS guidelines. This is the first Master Plan and largest single project in North County to move forward following SANDAG adoption of the SCS. This project needs to be assessed for compliance with all of the mitigation measures identified in the EIR for the RTP that addressed compliance with SCS .**

**- There needs to be specific analysis of land use compatibility with the adjacent Buena Vista Creek Ecological Reserve. The impacts on biological resources and hydrology will be assessed in other sections of the EIR- but there also needs to be a land use evaluation. A major (and except for \$ 135k that was raised privately) taxpayer funded investment was made to acquire this land. How will this projects intensity of use impact this area? Throughout this area we see increased impacts on preserve lands from high density residential land uses. It is not just the increased use of the preserve land. It is increased problems from the adjacent lands and from unplanned types of use. This increases the need for fencing, patrols, erosion repairs, etc beyond the levels covered in the original PAR’s for these reserves. This area will be no different. The EIR should assess these impacts and include appropriate mitigation including such things as increased funding for land management, strong, strong edge effect conditions and meaningful provisions for enforcement.**

## **Visual Impacts**

**-The workscope for this project states there will be a “maximum of three views/visual simulations.” This arbitrary restriction is not consistent with CEQA guidelines. The assessment of site conditions should determine the number of locations where there is a reasonable potential for adverse visual impacts. The general CEQA thresholds focus on impacts from public areas. This should include from nearby parks/ ecological reserves – Hiden Valley Park, the Dog Park and the Buena Vista Creek Ecological Reserve all qualify for consideration. Views from public roadways: this should include views along Carlsbad Village Dr- which now has sweeping scenic vistas, and from along # 78 WB where views of the BV Valley are one of the view natural areas that break up the intense urbanized views along the freeway. In addition, the Marron Adobe has been used as part of the history tour for local third grade children for many years as well as numerous other community events open to the general public. This requires a minimum of 6 areas to be assessed for visual impacts.**

**- The impact assessment needs to specifically address the impacts of changing the slopes above Buena Vista Creek from the normal undulations of undisturbed ground to manufactured slopes. Such slopes, even when planted with native species, appear unnatural and change the viewers experience. The assessment needs to include appropriate mitigation including**

breaking up any large areas of slope, into more irregular, varying elevation slopes, and having a planting plan that will result in a healthy native plant cover appropriate for the site conditions on primarily north facing slopes above a willow riparian corridor and adjacent to coastal sage scrub.

### **Air Quality**

- We were surprised to learn there will be more blasting required with this project. There have been numerous issues from blasting at this site over the years. Residents of Costa Serena, the senior neighborhood on the north side of # 78 have reported breathing problems associated with blasting and recycling/crushing operations on the site. The residents in Carlsbad above the project on the north report problems with house cracking and settlement. Neighbors to the east as far as Mira Monte reported problems from dust settling on cars. The assessment needs to consider how the strong prevailing westerly winds respond to the canyon in this valley and how air currents will affect the nearby neighborhoods. The EIR needs to very specifically identify the areas of blasting, time periods, duration and monitoring that will be used. For the last series of blasting with the Quarry Creek Shopping Center there was a system in place with an advance community meeting to review details of the blasting plan and telephone notification a day in advance with the time of blasting specified. Such a system should be included again with this project.

- When blasting was last done for the QC shopping center there were no people present in the valley near the blast site. Now there is the entire shopping center with lots of outdoor activity just west of where blasting will occur and likely at about the same elevations. Please address specifically how this will impact users of the Quarry Creek shopping center and what mitigation will be included to protect them from air quality and other hazards associated with blasting.

### **Geology Soils**

- The geologic assessment needs to also evaluate how soil/ground conditions are expected to impact the ongoing soil and water remediation that is still underway. The site clean-up has moved past active remediation, but the concern is that this new assessment of site conditions, and plans to move another 610,000 cubic yards of cut and fill needs to thoroughly consider these areas of remaining soil contamination. Please clarify how these areas are delineated and how the public is assured of adequate control/documentation of all of the contaminated soil that remains on this site.

### **Green House Gas Emissions**

- Please include full discussion of the methodology used to assess GHG and the rationale used for the selection of the methodology. We have not seen one decent GHG assessment done for a project in this area. Given the excessive traffic proposed and existing traffic conditions along College Blvd the assessment of mobile sources is of particular concern.

### **Hydrology and Water Quality**

- Please provide full justification of the need for any bridge crossing of the creek. Both roadways into the site- Marron and Haymar exit onto College- with no other routes



proposed. These two exits are just a few feet away from each other. There are huge potential impacts from adding a bridge crossing while there appears to be no real advantage in terms of circulation in the project area. There needs to be a thorough cost/benefit assessment to justify the need for a bridge.

- The artesian pond on the BVCER is used for irrigation. Please evaluate how blasting debris might settle on this pond, effecting water quality and perhaps clogging pumps.

- Please provide clear description of bridge design, particularly any footing or structure that would be within the 350' wide creek channel. Explain how this bridge has been designed and located to minimize impacts. This needs to include height above low and high water, profiles over the channel, and assessment of how any footings/structure in the creek channel will affect hydrology of the creek both upstream and downstream of the bridge. Also clarify where the bridge will be located in relation to the drop structures that were installed in the creek channel as part of mining reclamation. These structures were located to optimize their performance on creek hydrology. We want to make sure there is nothing about bridge/design/location that will impact this.

- The hydrology analysis needs to identify the sub watershed and its condition, current and proposed percentage of impervious cover, efforts that will be taken to minimize the increase in impervious cover, cumulative impacts on the watershed, and provide clear justification for the selection of the BMP's that are proposed.

- This reach of Buena Vista Creek is an impaired water body. It is expected that the Regional Water Quality Control Board will require an action plan to address TMDL's on this subwatershed in the near term. Please include an assessment of how the BMP's for this project would affect the ability to implement broader water quality improvement measures to address the impairments of this sub watershed. We understand this project will need to address its own run-off- but we want an assessment that nothing being done here will make it harder to address the cumulative conditions of the watershed. Better yet would be to include things that would contribute toward such future improvements. Perhaps there is a way to set up a banking system to get credits for doing more than is required in one place that could be used by areas where site constraints offer fewer options to fix existing conditions.

- Part of this land was grazing and perhaps even agricultural as part of the original Mexican land grant. McMillin was cited by the Regional Water Quality Control Board on May 19, 2003 for an illegal discharge into Calavera Creek that included hazardous materials that are common residues of agricultural use. It is known that hazardous soils exist on site from the old leaking USTs. It should be expected that there may be other hazardous soils that have not yet been identified- and McMillin does not have a good record for proper handling of such materials. The EIR needs to provide adequate testing and mitigation for this anticipated potential adverse impact.

- The EIR should assess how this project relates to the adopted Master Drainage Plan- is it fully consistent? What assumptions are made about installation of other components of the system that are not yet in place? How does this interface with what the City of Vista is doing upstream?

- Maintenance of all permanent detention/pollution control devices often causes continuing,

**intermittent impacts that are not identified or mitigated. Please include assessment of maintenance programs for all BMP's, identify any impacts from such maintenance and include mitigation as needed.**

## **Biological Resources**

**- To our knowledge there has been no comprehensive assessment of wildlife movement through this area. It is identified in the HMP as a core area with key linkage connections in Carlsbad. In the Oceanside draft Sub Area Plan the area across from the panhandle is part of the Wildlife Corridor Planning Zone which is the primary north/south wildlife corridor connection through Oceanside to core habitat at Camp Pendleton. Please provide a comprehensive assessment of how wildlife will be able to traverse this major north/south wildlife movement corridor if there is any development on the panhandle portion of the site. Since any development in this area will constrain wildlife movement the EIR needs to provide clear identification of the impacts and appropriate mitigation.**

**- Maps that show only the project boundaries will make it impossible to assess the viability of this area as a regional wildlife corridor as it is currently configured. The EIR needs to identify the proposed regional wildlife corridor through this project- and then specifically assess how this proposed corridor meets the standards for wildlife corridors as included in the MHCP. This includes width, pinch points, roadway crossings, and all other barriers to wildlife movement.**

**- Any proposed wildlife undercrossings need to identify the target species and substantiate how the selected crossing design supports movement of that species. The interior roadways also need to be assessed for their impacts on wildlife movement. How is adequate wildlife movement assured throughout the hardline preserve area- particular the major regional wildlife corridor?**

**- Please include specific discussion of each of the Zone 25 HMP Conservation Goals and Planning Standards. This should include full HMP consistency review discussed in the DEIR. We are particularly concerned with:**

- 1. "Align future Marron Rd to minimize impacts to sensitive biological resources"- this applies to any extension of Marron Road, or roads with other names along what was identified as the future Marron Rd on the city's Circulation Element.**
- 2. "Conserve and enhance riparian vegetation along Buena Vista creek with 200' buffers supporting natural vegetation between wetlands and development." Current project plans do not even have a 150' buffer as in some areas a road is proposed within the 50' planning buffer.**
- 3. "'Avoid and minimize removal of coastal sage scrub and maintain a continuous linkage of sage scrub, chapparal and grassland averaging 800-1,000 feet wide.... With a minimum constriction of 500' .'"**
- 4. Explain how proposed project mitigation has been planned to "improve gnatcatcher breeding habitat within the zone."**

**5. “Use sensitive design of any road or utility crossing of Buena Vista Creek.”**

**- Since there will be many steep slopes remaining on this site please clarify how run-off will be controlled- not just to contain it within the site as is required by water quality regs, but how it will be directed to eliminate adverse impacts to any of the hardline preserve lands.**

**- The project application shows a road within the 50’ planning buffer to Buena Vista Creek. This planning buffer is in addition to a 100’ biological buffer along the creek and all wetlands (two ponds on site). This road is not essential infrastructure and is not allowed in a creek buffer under either the city of Oceanside draft Sub Area Plan or city of Carlsbad HMP. Please specifically address that this road is a violation of the conservation plans of both cities- and is not consistent with the action of the Oceanside Planning Commission and the deed restriction they imposed as part of site reclamation.**

**- The project site has hundreds of feet of edge along the BVCER, with steep slopes above the creek and riparian corridor, plus impacts on the regional wildlife corridor. Please include the entire BVCER, and the entire Village H site within the area of impact study for the Biological Resources assessment. Both of these areas of hardline preserve lands will be subject to direct and/or indirect impacts from this project and those impacts cannot be adequately assessed if the boundary for the biological assessment is arbitrarily limited.**

**- Edge effects are of great concern on the adjacent preserve lands because of the extreme density proposed for this project- over three times what was envisioned in the General Plan when hardline boundaries for open space were evaluated for the HMP. Please provide a thorough discussion of exactly what mitigation is proposed and how it will be enforced for the life of this project for each of the edge effect conditions identified in the HMP/MHCP.**

**- Key issues associated with habitat fragmentation and edge effects are household pets and invasive plants. Control for these two common problems needs to be specifically addressed. Fencing standards for lots adjacent to open space, restrictions on gates or direct access ways from residential areas to open space lots, identification of maintenance access, restrictions on plant materials are just a few of the items that need to be specified. Mitigation measures need to both determine what needs to be done- and how it will be monitored- through inclusion in CC&R’s- and enforcement provisions.**

**- The MHCP specifically identified the edge effects of development on sensitive habitat as extending about 200 meters from the edge of development. The EIR needs to assess the impacts of this edge effect on the proposed configuration. It appears that the edge effects along several of the proposed residential areas will in effect eliminate any functional value for such narrow bands of sensitive habitat. This will result in habitat fragmentation reducing the value of even the largest blocks of habitat.**

**- Please identify any SDG & E easements through the project site, how these are maintained and how this will impact the function of any preserve lands. We believe these are easements and not fee owned rights of way- which provides at least some opportunity to impact what occurs in these areas. The concern is that a 20 foot wide cleared area through the center of a wildlife corridor subject to edge effects along its length greatly reduces the value of the habitat. Such areas can cause further functional habitat fragmentation. The MHCP very clearly identified the importance of large parcels for biological function. Our concern is that**

**what appears as a single large open space parcel will not function that way when development edge effects, and edge effects of utility easements are considered. The direct and indirect effects of this fragmentation must be specifically addressed in the EIR.**

**While SD G & E easements typically provide for a 20' wide easement, the actual area of impact is often much greater- especially in areas of steep slope as is proposed here. We are aware of numerous cases in nearby areas, some that are supposedly in protected mitigation banks, where SDG & E grading and maintenance activities included grading well beyond the 20' limits, discharge of fill into creeks, and dumping of graded material where it caused creek siltation.**

**The mitigation measures need to specifically address the on-going, chronic violations of natural habitat protection caused by SD G & E easement use. Mitigation measures need to be specific, with assigned accountability and an endowment for the open space management that includes the funds needed for enforcement, and on-going revegetation of what will be a highly problematic area.**

**-In addition these easement areas are prime attractants for offroad vehicle use. This is of particular concern where the easement crosses major roadways where vehicles have direct access without going through private property (Such as is proposed here with the access off of El Camino Real through SDG & E easements on the BVCER to the project site.) Mitigation measures need to provide for protection from this illegal activity, one that is encouraged by the configuration of this open space.**

**-One recent issue of concern is the effect on mesopredators from ingesting poisoned rodents. The use of common household poisons- by residents or maintenance companies – can greatly impact the health of the local native mammal populations. This effect is exacerbated where there are such extensive edge effects, and narrow wildlife corridors. This needs to be part of the habitat fragmentation assessment.**

**- All public trails proposed through this area need to be identified and evaluated in the EIR. Trails need to specify the intended type of use and be appropriate to that use.**

**It is also important to plan access to trails from both the existing neighborhoods and the new development proposed so that local residents do not cut numerous unplanned trails in order to create their own access. The narrow open space corridors and steep slopes will make access from each community difficult. Particularly sensitive areas are often restricted from any public access. The EIR needs to consider the potential for restrictions of key areas to public use- and show that here are adequate means to do this- while still providing for access to remaining areas that will be open to public use.**

**- Trail plans have not been approved by DFG on the adjoining BVCER. If trail connections between the project site and the adjacent reserve are not defined then providing trails on the project site could just lead to damage on the BVCER site. A coordinated trails plan needs to be identified and impacts assessed and mitigated as part of any plan for trails on the project site.**

**- Brush management is all supposed to occur within the development footprint- not within preserve lands or buffers. Please clarify if all brush management is within the limits of**

development.

## **Public Services**

- The existing Carlsbad sewer line through the BV Valley is one of three such lines. Each of these lines causes impacts on the project site and the adjacent BVCER. All of these lines are planned for eventual removal from their current alignment and replacement with lines further north that would be out of the sensitive habitat and would cause less risk of contamination to the creek. The cumulative impacts of all of these sewer lines is considerable, but so is having three different schedules/plans for relocation of the lines, and the on-going intermittent impacts for line inspection and maintenance. Please discuss all three of these sewer lines, the schedules for their realignments and what actions will be taken to reduce cumulative impacts from both construction and on-going operations.
- The existing sewer maintenance access road through the valley is poorly maintained and is contributing to erosion problems and causing silt discharges to the creek. Please discuss how the project will fix this.
- At the public scoping meeting concerns were raised about disaster evacuation plans and how this could work with the traffic constraints along College Blvd. Please discuss access issues to the site, and evacuation out of the site in the event of a disaster.
- This area is part of the emergency service drop zone between the cities of Oceanside and Carlsbad. In fact Oceanside provides the majority of public safety response to this valley and this is expected to continue because of the long time it will take for Carlsbad to respond. Please discuss emergency response times from each of the two cities. Clarify how services will be provided to this development, and what impacts continuing cuts in Oceanside budget and staffing would be expected to have on response times. Include statements from Oceanside staff backing up any statements about that city's ability to serve this area.

## **Recreation**

EIR's for projects like this generally just cite the existing planned and proposed parkland in the quadrant as sufficient to demonstrate that there are no adverse recreational impacts. Hiking trails currently exist throughout this area and have received high levels of use with no enforcement of trespassing laws. These hiking/biking trails are part of the current recreational system in this area. Eliminating these historic uses will reduce recreational opportunities and should be addressed in the EIR. How many feet of existing trails will be closed vs how many added? How many of those added will be subject to at least intermittent closure? What is the net effect on this community recreational element?

## **Traffic**

- Because both Haymar and Marron Rd will be accessed from College Blvd in Oceanside, the traffic analysis of impacts needs to be consistent with what Oceanside is using in their traffic studies for the Updated Circulation Element as shown in the Revised Draft EIR currently out for public comment. This distinguishes the intersections of College and # 78 EB, College and Plaza, and College and Lake- all three of these intersections need to be assessed. The roadway segment analysis needs to include College from Vista Way to # 78, from # 78 to Plaza, Plaza to

**Lake, and Lake to Southern City limits. All four of these segments need to be assessed.**

**Since the Oceanside CE is still underway it is not known which of the three alternatives under consideration will be selected. Please clarify what assumptions are being made about this and the rationale for selecting one alternative if all three are not evaluated.**

**- While the extension of Marron Rd is not being proposed alternative modes should provide transportation links to El Camino Real from the project site. Such links could help reduce auto trips and the resultant traffic impacts on College Blvd. Provide a thorough discussion of alternative transportation plans and how these have been optimized to reduce auto trips.**

#### **Alternatives Analysis**

**-Four alternatives were discussed at the public scoping meeting. These include:**

- 1. Current General Plan Zoning ie 176 residential units**
- 2. Reduced project to the level required to eliminate adverse traffic impacts.**  
**This is reasonable as traffic impacts are expected to be significant as shown on the city of Oceanside CE.**
- 3. No development on the panhandle- this would reduce significant impacts to habitat, wildlife movement corridor and by reducing number of units would also reduce traffic, air quality and GHG impacts**
- 4. Analysis of a range of housing units with several intermediate steps so that there could be a real assessment of the trade-offs involved.**

**All four of these should be included as they will address significant impacts, but they could be combined. For example # 1 and # 2 could each be one of the ranges of units included in # 4.**

**- A project alternative needs to be defined that optimizes the reduction of adverse impacts. That can't really be defined until impacts are identified and evaluated through the process. Please provide a clear statement that explains why the proposed alternatives were defined in a way that was intended to reduce the adverse impacts- and not just going through the motions to have a reasonable range of alternatives that may not be reasonable and may not significantly reduce impacts. Any alternative that is worse than the proposed project doesn't warrant being considered- the purpose is to reduce impacts- not to just go through the motions of evaluating arbitrary alternatives.**

**We appreciate the opportunity to comment on the scope for this project EIR. It is clear to us that there are significant environmental issues with this project that need to be addressed. We are committed to continuing to work with all of the stakeholders to resolve them.**

**Sincerely,**

**Diane Nygaard  
On Behalf of Preserve Calavera**

cc: Janet Stuckrath USFWS  
Bryand Duke CA DFG  
Alan Monji RWQCB

---

**From:** Gnibus, Tim  
**Sent:** Friday, March 16, 2012 4:41 PM  
**To:** Bird, Hilary  
**Subject:** FW: Quarry Creek Development

**TIM GNIBUS**  
AICP

**HDR Engineering, Inc.**  
Environmental Science Business Class Lead

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**From:** Van Lynch [<mailto:Van.Lynch@carlsbadca.gov>]  
**Sent:** Friday, March 16, 2012 4:36 PM  
**To:** Gnibus, Tim  
**Subject:** FW: Quarry Creek Development

Tim, Please see NOP comments below. Thanks, Van

---

**From:** Nina Hall [<mailto:lady.gwen@cox.net>]  
**Sent:** Friday, March 16, 2012 4:31 PM  
**To:** Van Lynch  
**Subject:** Quarry Creek Development

Dear Sr. Planner Van Lynch,

I was unable to attend the Public Scoping Meeting for the Quarry Creek Development. With moments to spare for the end of day comment deadline today, I will come straight to the point. I strongly object to the scope and destructive elements of this project on the sensitive environmental area of the El Salto waterfall and Buena Vista Creek Valley. Eventually the carriage of all manner of affluent from this built out project will proceed directly from the creek into the ocean, especially on rainy days. I have objected since the project began. Initially the project was only to build about 160 homes- why are you proposing 656? Why are you proposing to put a road in the buffer along Buena Vista Creek? Why has the city ignored that this site is listed as the number one priority for acquisition as open space? This project will adversely impact me because it will create increased traffic problems along the already severely congested eastbound 78 corridor, which I travel through quite frequently. It will reduce my air quality. It will reduce rapidly disappearing open space, and negatively affect the neighboring preserve meant to provide quiet enjoyment for future generations through increased noise levels from the development.

I urgently request that you address all concerns in this letter and reconsider the negative and unsustainable aspects of this project.

Nina Hall

---

**From:** Gnibus, Tim  
**Sent:** Friday, March 16, 2012 4:41 PM  
**To:** Bird, Hilary  
**Subject:** FW: Quarry Creek Master Plan Scoping comments.

TIM GNIBUS  
AICP  
HDR Engineering, Inc.  
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-----Original Message-----

From: Van Lynch [<mailto:Van.Lynch@carlsbadca.gov>]  
Sent: Friday, March 16, 2012 3:51 PM  
To: Gnibus, Tim  
Subject: FW: Quarry Creek Master Plan Scoping comments.

Tim, Please see attached. Van

-----Original Message-----

From: Bruce Coons [<mailto:bdcoons@aol.com>]  
Sent: Friday, March 16, 2012 3:36 PM  
To: Van Lynch  
Subject: Quarry Creek Master Plan Scoping comments.

Quarry Creek Master Plan Scoping comments

The DEIR for this project needs to study the impacts of the proposed project on the Marron Adobe, El Salto Falls and archeological resources in regard to Historic view scape, setting, feeling, land forms and association. The view, below the far ridge line, from the verandah of this extremely historic adobe has virtually unchanged since it was built almost 170 years ago. A historic ranch house such as this cannot convey it's original intent disconnected from it's rural setting. This is a very rare surviving occurrence anywhere in California and is unique in Carlsbad. Significant impacts as identified by these issues should be considered unmitigable and need to be avoided by the project

Bruce Coons  
Executive Director  
Save Our Heritage Organisation (SOHO)  
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***Buena Vista Audubon Society***  
**PO Box 480**  
**Oceanside, CA 92049-0480**

**March 19, 2012**

Mr. Van Lynch, Senior Planner  
City of Carlsbad Planning Department  
1635 Faraday Avenue  
Carlsbad, CA 92008

**SENT BY EMAIL**

**Subject: Scoping Comments on Quarry Creek Master Plan EIR**

Dear Mr. Lynch:

I am writing this comment letter on behalf of the Buena Vista Audubon Society, a non-profit environmental organization with a membership of 1,800 households in the North County Coastal area. We are advocates for the protection and enhancement of coastal habitat and wildlife, with particular focus on the ecological health of the Buena Vista Lagoon and the watershed that feeds into it. We also conduct educational programs for area children and adults at our nature center on the Coast Highway in Oceanside with the goal of increasing knowledge and appreciation of our natural resources.

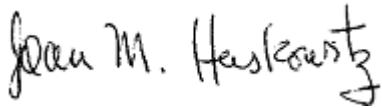
We have many concerns about the environmental impacts of the Quarry Creek residential development which will need to be analyzed in the EIR. Our major concerns arise from the fact that the proposal is a high density development on a property with many sensitive biological and cultural resources onsite and on adjoining properties. The EIR will need to address the appropriateness and impact of this land use, as it is contrary to good planning principles which recommend low density development near significant resources in order to minimize disturbance to the greatest extent possible. We are particularly concerned about project impacts on the Buena Vista Creek riparian and upland habitat, and their regional wildlife and hydrology linkages, including the Buena Vista Creek Ecological Reserve and Buena Vista Lagoon Reserve further downstream.

We have read the Quarry Creek scoping comment letter which you will receive from Preserve Calavera dated March 16, 2012 and we concur with their detailed outline of issues which need to be addressed in the EIR. These include impacts on: land use issues, visual aesthetics, air quality, geology and soils, greenhouse gas emissions, hydrology, biology, cultural resources, and traffic. In addition, the Preserve Calavera letter specifies the range of Alternative plans that should be evaluated for this site. We believe the Alternatives analysis is particularly important for this project because of the many potentially significant impacts, and therefore, the need to examine other less impactful but feasible plan options.

Based on past meetings with the developer, it appeared to us that the project included a road in the 50 ft. planning buffer. The plan should be revised to exclude that road from the buffer, as this is required by deed restrictions placed on the site by the City of Oceanside as part of Reclamation Plan approvals, and is a violation of the Oceanside Draft Conservation Plan and Carlsbad HMP. If the road remains in the buffer, then those road and land use impacts need to be analyzed in the EIR.

Thank you for the opportunity to comment on the scope of the Quarry Creek EIR. If you have questions, I can be contacted at (760) 942-5167 or at [jmherskowitz@yahoo.com](mailto:jmherskowitz@yahoo.com).

Sincerely,

A handwritten signature in black ink that reads "Joan M. Herskowitz". The signature is written in a cursive style with a large, stylized 'J' and 'H'.

Joan M. Herskowitz  
Co-Chair, Conservation Committee  
Buena Vista Audubon Society